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PAPERS RELATING

TO

THE BILL TO AMEND AND CONSOLIDATE

THE

LAW RELATING TO CANOONGOES AND PATWARIS.

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1. *Extract from a letter from the Court of Directors, dated the 12th July* 1820.

PARA. 10. In re-establishing the office of canoongoe, you began with the districts of Behar and Benares, and in these districts the re-establishment was at last effected. Correspondence had also taken place with the Collectors and Board of Revenue preparatory to its re-establishment in Hidgellee, Midnapore, Cuttack, and certain districts of Bengal. The actual re-establishment, however, was still confined to Behar and Benares. By this time you must have had some experience of the revived institution in these districts, and we need not tell you how much anxiety we feel to be speedily and fully apprised of its effects.

11. In the operations connected with the re-establishment of this office, the circumstance of principal importance is the resumption of lands. Anciently the canoongoes were paid as almost all civil functionaries in India were paid by lands held exempt from the Government assessment. In Behar and Benares the lands which had been so appropriated, and were still held by the families of the ancient canoongoes, could be distinguished and ascertained.

12. These lands, you have informed us, it is your determination to resume, and upon the principle that the service being discontinued, its payment ought to cease.

13. If this was intended to be established as an universal principle, the foundation does not appear to us to be quite sufficient for that important practical conclusion which you have erected upon it. Cases may exist in which it is proper that a payment should continue, even after the service to which it was at first annexed is no longer required. We trust, therefore, that your determination to resume the lands of the ancient canoongoes has been formed cautiously and upon a full conviction, after examination of the circumstances of this peculiar case, that no such right was created in favour of their existing descendants. We are aware that by Regulation 4 of 1808 the revenue of the lands held by the canoongoes in the ceded and conquered provinces was declared liable to resumption. But we do not conceive that the rule which was then followed ought to govern in future as a precedent, and every case of resumption should depend for its justification upon its own peculiar merits. We require that not only all reasonable claims of right should in those cases be respected, which is justice, but that the considerations of humanity should meet with their due share of attention.

14. The province of Benares was included in the provisions of Regulation 4 of 1808, which organised the canoongoe office for the ceded and conquered provinces, and rendered the lands held by the canoongoes liable to resumption. Mr. Deane reports that "in pursuance of the rules contained in that Regulation, several alterations appear to have been made in the appointments of mofussil canoongoes in the province of Benares, and such of the nankar lands of the canoongoes as had not been resumed by his predecessors were attached and settled by the late Collector, Mr. Salmon." From this we conclude that the whole of these lands in that province are now resumed. Mr. Deane continues: "No report, however, of the grounds on which the new officers were selected, or the former incumbents removed, nor any particulars of the nankar lands comprising 373 villages and assessed at a jumma of Rs. 45,176-15-15 have been submitted to the Board of Commissioners, or laid before Government, nor have any of the official records of the canoongoes been deposited with the Collector in consequence of the investigation." Various things of importance, which ought to have been done, have thus been left undone without notice or complaint. You state what may be, in part, an apology for the successive Collectors, when you say that the business is too great for a single functionary; but we deem it an apology only in part, because it is surely not fit for the Collector to omit any part of his duty at pleasure without reporting upon it explicitly and declaring the causes of any omission which he may be obliged to make. But if you have stated an apology in part for the Collectors, you have offered nothing in the way of apology for the Superintending Board, whose duty it was to call for those reports and statements, and not to overlook a remarkable dereliction of duty in the public officers under their charge. We are sorry to observe that a chain of neglect, continued from the inferior to the superior, should have existed so long without making itself known to the supreme authority; it might for aught, we see, have continued to exist for any length of time, had it not been for the appointment of Mr. Deane.

15. In the correspondence respecting the re-establishment of the office in the Hidgellee Mehals, in Midnapore, Cuttack, and certain districts of Bengal, we see nothing which very strongly calls for remark, except the proposed resumption of lands. As the same considerations apply to that measure in these cases as in the case of Behar and Benares, it is only necessary here to press them again upon your attention. In those several places more difficulty was anticipated in establishing the office than had been experienced in Behar and Benares, where a canoongoe had belonged to every pergunnah, and where, in consequence, it had been practical to select persons for the revived office from the families of the ancient canoongoes. In other districts this had not been found practicable, because there a few suddar canoongoes had formerly performed the business of a whole district by the aid of subordinates. We cannot, however, imagine that the difference between a descendant of an ancient canoongoe and another person is so great in this case, where very simple duties are imposed, as materially to increase the difficulty. Where new measures are to be introduced, and new labour to be undergone, there is a great temptation to raise imaginary difficulties; and though we do not pronounce that those here alleged are altogether of this description, it is highly incumbent upon you to be on your guard against so natural and dangerous a propensity.

16. With regard to putwaries, the office did not require to be re-established, for it continued in existence, and the maintenance of a putwarie for every village was imposed as an obligation upon the zemindars by the terms of the perpetual settlement. It had been found, however, that the accounts, which were kept by those putwaries, were altogether unworthy of trust, and were so framed as to promote the sinister interest of the zemindars, by whom they were paid, both in defrauding the Government and in oppressing the ryots. When we turned our attention to the means of rendering the ancient accounts of the country subservient to the affording of that knowledge, which might enable us more perfectly to secure both the interests of the Government and those of the ryots, it is necessary of course to consider the means of obtaining true instead of false accounts from the putwaries For this purpose it appeared to us to be absolutely necessary to remove them from all dependence upon the zemindars. We accordingly give you explicit directions to make them servants of Government, by transferring the choice, the pay, and superintendence of them wholly to the Collector.

17. Your communications to us upon this subject are almost entirely confined to your determination not to follow the plan prescribed by us, but to substitute another of your own. We do not mean to command the repeal of the regulation which you have passed for this purpose We are willing that what you have begun, and which no doubt by this time is in full operation, should not be abruptly interfered with, but should now at least have and adequate trial.

18. Having come to this decision, we do not think it necessary to enter into any minute consideration of your plan. It is proper, however, to inform you that the reasons which you have adduced for considering as impracticable the measure which we recommended have by no means convinced us, and we see too many reasons for apprehending that the expedients which you have adopted will very imperfectly accomplish the end. We shall merely state, as shortly as possible, a few considerations, which may elucidate the view which we take of the subject, and point out the inconveniences and dangers against which you ought to provide in carrying your scheme into execution.

19. Your objections to place the putwarie in dependence upon the Collector are—that this would be a change of system; that the zemindars would be offended; that it would be inconsistent with the spirit of the permanent settlement; that the Collectors would be incapable of making a proper choice of putwaries, or of making them discharge their duties, and that a mode of paying them would not be easily found.

20. That it would be a change is implied on the very idea of an evil to be removed, or an advantage to be gained. But we are by no means of opinion that it is a change, the inconvenience of which would not be overbalanced by the attainment of the end we have in view.

21. We expect that the zemindars will be offended by any plan we can adopt, which will deprive them of a present advantage, whether derived from defrauding the Government or oppressing the ryots. It is the loss rather than the mode of losing by which they will be irritated. In the mode by us proposed, we see nothing peculiarly calculated to act painfully upon their feelings.

22. That it is contrary to the spirit of the permanent settlement to make the putwaries dependent upon the Collectors, or to take any other measures that may be necessary for protecting the Government from the frauds and the ryots from the oppression of the zemindars we cannot possibly admit. We cannot, indeed, forbear expressing a considerable degree of surprize that you should have entertained such an opinion. You know that in enacting the perpetual settlement, Government reserved to itself (that of which no Government can lawfully divest itself) all the powers necessary for maintaining justice between one class of its subjects and another.

23. When you state as another objection the inability of the Collectors to make a proper choice of putwaries, or sufficiently to control them, we do most anxiously hope that you have exaggerated the difficulty, for if not, the objection extends much further than to the mode of appointment. You have in various places declared in the strongest terms you could employ that the control of the Collectors over the putwaries was the only ground of hope from their services, and here you seem to affirm that the Collectors will be unable to control them.

24. We cannot imagine that you lay great stress as an objection upon the difficulty of paying the putwaries. It was not intended to prevent the putwarie from keeping the same accounts for the zemindar which it was formerly his duty to keep. It was only intended to use means for making him keep true accounts. As he would have rendered all lawful services to the zemindar in the same manner as before, it appears to us that the zemindar was bound, by the very terms of the perpetual settlement, to afford the pay in the same manner as before. However, if this had been found to be a point particularly objectionable to the zemindars, a compromise might have been devised.

25. In the plan which you have adopted, several of the expedients for counteracting the influence of the zemindars, and preventing it from operating upon the putwaries to the production of false accounts appear to be judiciously devised. But the immediate dependence of the putwarie upon the zemindar which you have allowed to remain is a source of evil, against which it will require an increased and very peculiar degree of vigilance to guard. This, we confess, is the source of our apprehension. Every idea of benefit from this attempted reform is by yourselves attached to the control of the Collectors. But it is impossible we should not be deeply impressed with the evidence which you have forced upon our attention

that a control sufficient for the objects in question is in the present state of the revenue service hardly to be expected. Your immediate attention ought to be directed to what it may be possible to obtain from such a control, and generally to render the superintendence of the Collectors more efficient for protecting the ryots and preventing frauds upon the Government.

26. Unless the Collectors have some ready means of detecting errors in the accounts of the putwaries, it is more than probable that they will abound with errors. We are fully convinced that additional expedients for this purpose are still required, and that, under the present system of checks, unless in the rare instances of extraordinary vigilance and penetration combined in the Collector, an understanding to very pernicious purposes may subsist undetected between the putwaries and zemindars.

27. We are not perfectly sure that the old system of putwarie accounts, though in general not ill-adapted to the circumstances of the case, yields the whole of the information which that class of accountants might easily afford. One thing is peculiarly important that their accounts should contain the whole of the payments, which under any claim whatsoever are made by the ryots to the zemindar, and the strongest securities ought to be taken for preventing any payment which they do not record. For ascertaining whether by any addition to the present accounts or any other change you can render them more conducive to the end in view, important information might be received by fit questions addressed to the most intelligent of your revenue servants. The rule which you have prescribed for summoning the putwaries before the Collector with all their accounts, and making them answer questions upon oath, may be attended with advantage, and we trust that you will insist on its being uniformly obeyed.

28. The examination should take place at least once a year at that period at which the accounts of the year may be considered complete. It ought to be done by the Collector in person in as many cases as possible where it is possible, and by persons selected by him for that purpose. In all those cases, too, in which it is done by other persons than the Collector, it would be useful that a report containing at least the material points of the examination should be presented to the Collector. If this examination would be useful, it is evidently of importance that it should be made to take place in those circumstances which afford the greatest security for the truth of the answers The presence of persons acquainted with the fact is the best security applicable to the case; and these are respectively the ryots of the villages. The proceeding, therefore, should be attended with publicity. The examination should take place in the presence of the ryots, who should be invited to contradict the statements of the putwarie as often as they knew them to be false, and to suggest questions by which the full truth may be disclosed

29. We have entered thus far into detail respecting this examination, because we are fully convinced that unless the Collectors effectually descend into details you will never obtain accurate information, and because we are equally convinced that unless you prescribe specific details the Collectors will never undertake them; but will continue to perform the duties of their office in that summary and superficial way, of which there is too much reason to complain. We are aware, however, of the disadvantages under which, at this distance, we endeavour to conceive a process of detail, and leave all suggestions of this kind fully open to your deliberation.

30. In the duties which are prescribed to the canoongoe, provisions of considerable efficiency are made for detecting the frauds of the zemindars upon Government, but we see very little in those duties, which has any tendency to afford protection to the ryots. We have no doubt that this is a part of your arrangements, which will be found susceptible of very great amelioration, and we trust that by this time your experience will have added to your means of rendering the measure complete. The great end of the canoongoe office is to make the accounts of the putwaries useful. This is not to be done by merely receiving and preserving them. Two previous conditions are necessary that the accounts of the putwaries contain all the requisite points of information, and that it be true information. The information which the putwarie accounts ought to contain is simple; it is information of what is due, and what is paid by the ryots to the zemindars, and of what is due and what is paid by the zemindars to Government. To find securities for making this information true is, as it has been justly described by you, most difficult. You are of opinion that much advantage may be derived for this purpose from the agency of the canoongoes, and if the fidelity of the canoongoes can be secured, and if an appropriate line of duty is prescribed to them, there can be no doubt of the fulfilment of your hopes. These two therefore are the objects to which your most strenuous attention is required, and the abilities of your most experienced servants should be called into your aid in devising a system of means for the accomplishment of so important an end.

W LeB.—Reg. No 13720—100—3 2-55.

4

No 2199, dated Fort William, the 11th May 1827.

From—The Members of the Board of Revenue,
To—The Hon'ble the Vice-President in Council.

We have at length the honour to submit, for the consideration of your Lordship in Council, a report upon the canoongo and putwaree serishtas in the several districts under this Board, as far as the information we have as yet obtained from the several Collectors enables us to ascertain the progress made in compiling the records in those departments

From the records of this office, it appears that on 16th July 1825 the Senior Member and the late third Member recorded their opinion that the reports of the Collectors which had then been received did not contain information of an useful tendency, and that the only mode of acquiring a satisfactory insight into the progress hitherto made in re-establishing the canoongo and putwaree system, and of ascertaining the degree of practical utility experienced by the revival of those offices, would be to depute one of the Members of the Board to make full enquiries in every district From those opinions our second Member dissented, recording his minute to that effect, which was forwarded with the letter of the senior and late third Member, though both have since been returned to this office, they are now resubmitted in the appendix marked as per margin *

After a diligent perusal of all the documents having reference to the canoongo and putwaree system noted in the margin † we are of opinion that, although the replies of the seven Collectors noted in margin‡ to the queries proposed in Mr Secretary Mackenzie's letter of the 13th April 1821, and forwarded by us on 15th May of the same year, and the statements of those who answered our two circulars of the 25th July 1823 and 15th July 1824, (the first relative to the jurisdiction of the canoongoes, the second communicating the resolutions of the Government dated 25th June 1824, with reference to extracts of the despatch from the Hon'ble Court of Directors, dated 18th February 1824) do not contain materials for a succinct report upon the system which is still in its infancy yet Many of the reports, particularly those of Mr Barwell, Mr Armstrong Mr Tollah Mr R Nisbett, and the Hon'ble Mr Elliot, will be found to contain information of great importance, we therefore have the honour to submit them in original together with a separate abstract of their contents, for the deliberate consideration of your Government

From the documents in question, your Lordship will collect that to the 15th July 1825, the date of the latest communication of any information worth noticing The canoongoes, except in Midnapore and Burdwan had effected but little towards the attainment of the main object of their appointment they had prepared lists of malgoozary and lakheraj estates, pergunnahwar statements of kismuts and mouzahs, registers of proprietors of partitions and transfers of property in their respective divisions, they assisted in investigating particulars relative to chur and other lands liable to assessment, and reported on matters connected with Lhas mehals, but had made little or no progress in acquiring materials for the compilation of a record of the extent and capabilities of the possessions of the malgoozar and lakheraj proprietors, and none which could afford an insight into the detail of village management, or into the rights and interests of the agricultural community

The most intelligent of the Collectors are of opinion that the labours of the canoongo establishment when properly directed, cannot fail to prove highly advantageous to the State, and will be far from prejudicial to the interests of the agriculturalists, but all deplored the repugnance of the zemindars and the lakheraj dars to the measures dictated by Regulation XII of 1817, and the systematic oppositions they have experienced throughout

It is but too apparent that the zemindars and lakherajdars are so decidedly averse to any arrangements having for their object the acquisition of information regarding the land tenure of the country and the produce of the soil, that they have long systematically opposed every obstacle, legal or illegal, to the attempts of the Revenue Officers to obtain any knowledge on the subject, their most effectual procedure with this view will appear to have been the abolition of the ancient office of village putwaree and the substitution of gomastas creatures of their own for those servants of the public On being called on to furnish a list of their putwarees they delayed compliance with the orders or evaded them altogether and when eventually officers of this description have been appointed by them or by the Collectors, they either did not permit them access to the real records, or refused to pay their allowances, or dismissed them without ceremony In one district (Burdwan) the Collector reports that with the view of evading the penalties for a non-compliance with the rules prescribed for the delivery of accounts and the registry of putwarees, purchasers of land have not entered their own names in the register of mutation, but those of persons altogether unconnected with the land

A very general failure in procuring putwaree records has been experienced throughout the country, and the compilation of those records which relate to the extent of proprietary rights, the quality of the soil, the quality of produce and the rate of land tax paid by the

* Board's address to Government dated 15th July 1825, with Mr Money's minute

† *Vide* Collector's replies to Board's Circulars dated 15th May 1821 25th July 1823 and 15th July 1824 as per accompanying lists marked A B, C D

‡ Midnapore
Moorshedabad.
24 Pergunnahs
Jessore
Mymensing
Burdwan and Dinagepore

lower orders of agriculturalists, has been delayed in consequence. The officers of the Collectors of Midnapore and Burdwan, Messrs. Barwell, Elliott and Armstrong, appear to have made the greatest progress in this department of their duty, for they have been able to obtain village accounts for a large portion of their districts, notwithstanding the obstacles opposed to them; this partial success is entirely attributable to the strenuous exertions of their principals, but it is questionable after all whether the sources whence these details of village management have been drawn are sufficiently pure to warrant the adoption of the accounts as authentic records, especially when it is recollected that at present there exist no means of verifying their contents.

Under the provisions of Regulation XII of 1807, the putwarees are responsible for the production and for the authenticity of the papers required by the canoongoes, but the putwarees, if any are appointed, are entirely at the mercy of the landholders, who for a long period of years past have placed the whole record of management in the hands of their gomastahs and agents, who are able to provide spurious accounts as well as true ones; and when the interests of their employer, so extensing as they are with their own, are to be affected by their procedure, no doubt can be entertained as to which of the documents, the true or the false, they will make over to the putwaree to be filed in the canoongoe's office. It is scarcely possible that the putwaree should be able to swear to the validity of the record which he thus delivers, and if he should be aware of their falsity, it is not very probable that he will avow his knowledge; he knows but too well that he is completely in the power of his task-master, the certain consequences of whose wrath are infinitely more to be dreaded than the remote probability of punishment for perjury, his own fears; combined with the little idea of moral guilt attached by the Asiatics to the crime, will operate in removing scruples against attesting the validity of the document by his oath, and as his defence would be that he received it from the gomastah as a true account, and could not prove that it was otherwise, few law officers will be found who would give a futwah sentencing him to punishment in the law courts. Those putwarees who may be appointed by the Collectors on the recusancy of the zemindars, will not be found in any respects superior to the non-effective men set up to avoid the penalty by the proprietors; poor, and without influence or support, they are easily corrupted into an acquiescence in the zemindar's arrangement or deterred from opposing them by the fear of his displeasure. The power of a zemindar in the interior of the country to do mischief to one who has offended him is almost without limit. The people well know this to be the case, and are cautious of exciting it into action; authentic information in respect to the land tenure, the produce of the soil, and the portion of it which, as representing tax or land rent, is available to the zemindar, is not in short to be expected under the present system from the putwarees. The zemindars will never allow them to give it.

If the motives of the zemindars for withholding the statistical particulars which are so much required were rigidly investigated, they would be found to originate less in their alleged apprehensions that a new assessment of their lands would be the result of their compliance, than in their well-grounded fears that any scrutiny into local usages and rights will end not only in their illegal actions upon the cultivating classes being prevented, and in the rights of these latter being protected, but in eliciting the discussion of the validity of their own titles to exclusive proprietary possessions which they are aware are by no means indisputable. This being the case, it is questionable whether, in the event of their being now declared responsible for the fidelity of the accounts and records for which the local officers are dependent on the putwarees, a closer and correcter view of the actual state of things would be thereby ensured. If on the first introduction of the canoongo system the landholders had been declared responsible for the fidelity of the accounts and papers required, and if any instance of delay or recusancy had been met by a severe and summary punishment, most of the advantages anticipated for the institution of the office of canoongo would in all probability have been realized; but the Regulations did not permit this, and the people were perfectly well aware that the authorities were directed to proceed with the utmost mildness and caution. And being, it should seem, themselves incapable of appreciating instructions of such a tendency, they immediately concluded that the power to enforce them with severity and strictness was wanting, they have acted accordingly.

After a careful consideration of the subject in all its lights and bearings, we beg to submit our opinion, for your Lordship's consideration, that the obstacles opposed by the zemindars and lakherajdars to the canoongo system have hitherto rendered useless whatever canoongo records have been yet prepared as matter of judicial reference, for instead of affording information, they appear better calculated to mislead those who require it; that the advantages realized from the establishment, under its present constitution, are by no means commensurate with the expense of keeping it up; and that, until means are devised for ensuring the authenticity of the documents furnished, whether they relate to accounts, mensuration, or ryotwar assessment, the office of canoongo will mislead instead of giving any useful information.

Abstract of answers of the Collectors under the Board of Revenue, Lower Provinces, to the Board's circular orders dated the 15th July 1824, transmitting the Resolutions of Government, dated the 25th June, with the 22nd, 23rd and 25th paragraphs of a letter from

the Hon'ble Court of Directors, dated the 18th February 1824, calling for a report of the progress hitherto made in establishing canoongoes and putwarees —

Mr. Garrett, Collector of Beerbhoom, the 22nd December 1824.

STATES that in this district scarcely anything has been effected since the appointment of canoongoes, which the Collector attributes to the obstinacy of the zemindars, possibly combined with the negligence of the canoongoes and the putwaries not being sufficiently independent of the zemindars.

Annexes a statement exhibiting the work accomplished by the canoongoes up to the month of Aughun corresponding with November

Supposes that the landholders imagine that the establishment is a mere speculative one, which will ultimately be abandoned

States that the generality of the canoongoes are inefficient in this district, and that the department requires continued exertion, otherwise advantage is taken by the people

That putwaries and zemindars have executed engagements to furnish their papers in a given time, but to no purpose

That it does not appear that the Courts of Justice have ever considered as yet the canoongoes to be the proper officers to apply to in case of any dispute relative to landed property, which perhaps has the effect of no importance, being attached to the establishment

Reports for the orders of the Board the refusal of the ghatwallee mehals to appoint putwaries or to furnish any papers

That he has been unsuccessful in obtaining copies of the pottahs given by the zemindars to the ryots, but believes there are not many instances in which the ryot possesses such a document, which, however, is very necessary in his hands when called upon to answer any demands against him under Regulation VII of 1799

Recommends the reciprocal furnishing of pottahs and receiving kuboliats by zemindars being rendered indispensable by a Regulation, and that no case of demand for balance of revenue be decided without them

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Mr J Donnithorne, Collector of Bullooah, 16th March 1825

REPORTS that all his efforts to have the canoongo and putwaree system carried into effect have proved almost unavailing in consequence of the opposition made by certain proprietors, and that, until those contumacious persons meet with punishment, as before stated in a former address his orders will rarely meet with obedience That the whole of the zemindars in this district are awaiting the result of the fine imposed on those, and that no part of the fine directed to be levied so far back as December 1823, has been paid

That the zemindars of Bullooah have strong objections to deliver in the accounts of their estates in consequence of the great quantity of alluvion land which would be found in their possession and of mullung churra land the former the property of Government and the latter liable to assessment Calls the Board's attention to paragraphs 11 to 17 of his address of the 30th November, and recommends Regulation XII of 1817 being strictly enforced to its full extent

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Sir J B Stonhouse, Collector of Bhagulpore, 15th July 1825.

ENCLOSES a list of the canoongo establishment, showing their average rate of salary to be Rs 12 greatly below the scale of that received by canoongoes in other districts

States that the progress of the canoongoes for the completion of the records is extremely slow, and that the evil is not likely to be remedied unless by some measure placing a serious responsibility on them in cases of obstinate and continued neglect of their putwaries Calls the attention of the Board in regard to the comparative smallness of salary given in this district to the canoongoes, where they are very serviceable in consequence of its containing much resumable land, such as alluvion Lakheraj held under invalid titles and high cultivation, unassessed and reported as waste Observes that the fabrications and falsifications of their accounts would be checked by proceedings on the subject having a retrospective effect That this forms a part of the existing law, though seldom acted upon in its full extent

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Mr J Armstrong, Acting Collector of Burdwan, 22nd April 1825

NOTWITHSTANDING the anticipation of Mr Elliot that little difficulty will in future be encountered in obtaining the putwarees' accounts, regrets to state that the same obstacles which he met with in collecting the accounts for 1225 B S still exist in full force

That more than two thirds of those putwarees as stated to have been registered in the sorishah of the canoongoes, have either been dismissed by subsequent purchasers, or have of their own accord absconded, and the proprietors for the last three years have appointed others without the sanction or even the knowledge of the Collector That in some few instances the putwarees on such removals petitioned his predecessor but as no enquiry was made into the circumstances of the case, they discontinued making complaints, and the proprietors of estates went on to remove and appoint putwarees as best suited their own views and convenience.

That proprietors and putwarees have pretty generally complied with his requisition for delivering their accounts to the canoongoes of their respective divisions, the exceptions have originated as much from an impracticability to furnish the accounts called for, as from a wilfull opposition to the measure on the part of the proprietors they represent that having purchased their estates at the Registrar's sale under the provisions of Regulation VIII of 1819, on taking possession they could not procure any of the accounts nor can they secure the attendance of the putwarees, which are in many instances strictly true

That on taking charge of this office, he found that the putwaree system had not advanced one step further beyond the stage of progress as reported by Mr Elliot under date 21st February 1821 The canoongoes on being questioned attributed this pause to the irregularities mentioned in the 2nd paragraph, and the new purchasers of estates refusing to register their names in the khariji dakhil column of the tokebundy

That almost the whole of those putwarees whose names have been recently entered in the tokebundy have been substituted for others who have not had any connection with the village details for the past two, three and four years and have not been forthcoming, though first a perwannah and then an ishteshar has been issued for their attendance

That the only accounts that have been delivered are those which belong exclusively to the collections and such as exhibit the ryotwaree jummah as detailed in the 20th paragraph of the letter noted in the margin As this letter is still unanswered, he has not called for any other description of accounts his object being to procure as complete a registry of those village accounts as existing circumstances may admit from 1225 till 1230 B S, on the plan adopted by Mr Elliot which received the approbation and sanction of the Board, and to restore as many of the recorded putwarees to their former situations as appeared to him deserving of such restitution, and in cases where this was not practicable or expedient, authorized the holders of the taloukdaree to give in the names of the gomastahs employed by them, on their furnishing those village accounts not previously delivered

Collector's letter dated 21st February 1841

Reports that from the period of establishing the canoongoes, only one set of tokebundies had been received in this office, consequently the canoongoes are now furnishing new ones from their several divisions, a great portion have already been received, wherein the accounts are more numerous, and the entries of the names of the putwarees and dukhilkars more general than he could have expected

That the holders of such mouzahs who have not yet furnished the required documents and lists have received, and continue to receive orders to provide them within a prescribed period The canoongoes having strict directions to bring all instances of non-compliance to notice, entertains sanguine hopes of the completion of the lists of the putwarees, as likewise a literally correct record of the village accounts within a short space of time

States that he is not aware of the Board's intention with respect to the canoongo establishment, whether it be to continue the system on its present footing, merely to secure a correct record of all the mofussil accounts, or to proceed in the introduction of those arrangements contemplated when Regulation V of 1816 and XII of 1817 were promulgated That if the former be the only end in view it will be necessary for the revenue officers to give a regular attention to the representation of the canoongoes, and in all cases where any landholders may remove putwarees without the authority of the Collector, to enforce the provision of section 13 of the last quoted Regulation

That by the existing Regulations the putwarees are alone made responsible for the delivery of the village accounts to the canoongoes and to the responsibility being thus restricted to the putwarees he is inclined to attribute in a great measure the partial failure of the exertions he has used for securing the required papers from 1225 till 1230 B S That in many cases the landholders, although willing to furnish the canoongoes with lists of the gomastahs in their employ since the removal flight or death of the recorded putwarees, refuse to furnish the required papers on the grounds that they have been destroyed, or that they did not receive them from the former putwaree, and therefore have only those accounts kept since the employment of the present gomastah another frequent plea being that they lately purchased the estate at the Registrars sale and can produce no accounts prior to their taking possession That these excuses are sometimes founded on facts, but are as often evasions, some instances of which he states has come to his knowledge when deciding summary suits for rent

States that he is impressed with the necessity that exists for attaching some obligation on all landholders That the enactment of a provision making it obligatory on landholders to give in the accounts to the canoongoes' serishta prior to their being allowed to produce such documents for establishing the account of the jummah in summary suits for rent, and the non admission in court of any person except the registered putwaree of the mouzah to which the defendant may belong for the purpose of swearing to the correctness of such documents, and no decision to be given in favour of the prosecution when the above rule has not been strictly adhered to on the part of the prosecutor, would very much tend to facilitate and promote the system by making it the interest of all proprietors of estates to retain the putwarees in their employ, and see that their accounts were regularly delivered to the canoongoes at the close of every year That such a rule without any hardship to the landholders would protect the ryot from much injustice by preventing any increase of jummah under false pretences, without such a provision, is of opinion that very little, if any, benefit can result from the papers that are or may be deposited in the duftars of the canoongoes of this district

States that no measurements have yet been made, or any enquiries instituted, under the provision of section 2, clause 7, Regulation V of 1816.

Promises to forward the required report on the chakeran lands with the least possible delay; but observes that it is a task that cannot be completed within a short space of time.

Mr. L. Magniac, Collector of Dacca, 24th March 1825.

STATES that nine individuals were nominated to the situations of canoongoes throughout this district, the allowance and division of each being regulated agreeably to the instructions of the Board, under date the 20th March 1820. Seven of whom received an allowance of Rs. 25 each per month, and the remaining two canoongoes were fixed at Rs. 30 per month, amounting in the aggregate to Rs. 2,820 per annum.

That the zemindars and talookdars were informed by proclamation and perwannahs that they were required to file the isumnavesey or list of the putwarees employed in their lands, with an explanation of the object Government had in view in establishing canoongoes.

That the district of Dacca, Jelalpore, in point of territory, is inconsiderable, yet the Collectorship of land revenue comprises the number of 7,963 mehals, and the proprietors of rather more than half of these have complied with the requisition for their lists; but the remainder being petty talookdars holding very small parcels of land have failed to deliver in the papers called for. Malgoozars of this class being so excessively numerous, and their mehals so much dispersed over the district, the impediment to overcome in obtaining lists of putwarees from those people have been of course infinitely greater than could have been experienced in those zillahs where the mehals are larger, less numerous, and more compactly situated.

That no severer proceedings have as yet been instituted than serving perwannahs on those who have failed to produce their lists and threatening them by proclamations.

But this mildness and forbearance has been attended with no good effect, as a period of more than five years has now elapsed, and the notices have been reiterated with the fullest explanation of the real motive proposed by establishing canoongoes, yet few of the lists of putwarees have been filed by the petty landholders. Unless, therefore, severe penalties are imposed, there is little probability of obtaining the papers pertinaciously withheld within any reasonable space of time.

States that the putwarees' mofussil accounts chiefly required for the use of the canoongo's serishta have been only partially prepared and filed by some of the zemindars through their putwarees, and these have been obtained with much labour and difficulty; the principal objection urged by the proprietors to this production of their accounts being that they are unable to have them drawn out by their putwarees agreeably to the form transmitted by the Board of Revenue on the 3rd October 1820 for their observance. That he has received repeated petitions on this subject, stating that neither the zemindars themselves nor their putwarees were able to comprehend the item exhibited in the 11th number of their form, and that several of the other heads also were not applicable to the mofussil usages of this district in keeping accounts of the transactions connected with the management of landed property. The putwarees who have attended the cutchery, and have been examined, have corroborated the above statement.

That he has carefully examined the form which it was proposed by the Collector, on the 30th August 1822, should be adopted, and from the experience he has derived of the nature of mofussil accounts in this zillah, is strongly impressed with the idea that it is better adapted for the preparation of papers than the one now in force, being more simple and at the same time containing every head of information of sufficient importance to be entered in the records; and submits it, as his opinion, that if permission is given for the accounts to be drawn out with reference to the customs of mofussil management peculiar to this zillah, their preparation would be greatly facilitated, and their delivery expedited, in which case the malgoozars have also promised unanimously to cause their accounts to be prepared and delivered into the canoongo's serishta without further delay.

States that the office of canoongo and putwaree cannot be made perfectly efficient until the papers alluded to are prepared and filed by every proprietor throughout the district; that the nature of the difficulties hitherto experienced in obtaining them has before been explained, and in his judgment the most effectual method of compelling obedience in those malgoozars, who still so obstinately oppose the requisition, would be to levy upon them a daily fine, to remain in force until they tendered their papers, sufficiently heavy to evince to them the determination of the revenue authorities no longer to admit of any evasions or excuses set forth merely to protract the execution of orders such a length of time promulgated; and should the form mentioned in the preceding paragraph be ultimately adopted, the objection now urged in extenuation of their conduct would be removed.

That although no satisfactory results are exhibited of the labour of the canoongoes, since their establishment, from the want of the putwaree papers, they have been nevertheless usefully employed in the performance of particular duties in the mofussil, which it appeared advisable to commit to the personal superintendence of persons of some respectability and trust, from whom correct information might be expected, such as investigating and reporting to the Collector on matters connected with khas mehals, enquiring into particulars regarding chur lands, and preparing for the use of the Registrar attached to the Record Committee in compiling the registers, pergunnahwaree papers of kismuts and mouzahs, with other duties relating to the Revenue Department.

Mr. J. W. Sage, Collector of Dinagepore, 2nd October 1824.

STATES that ninety-six pergunnahs are comprised in this extensive district, and as it would not be expedient to appoint so many canoongoes, twenty-eight of the largest were selected The salaries of the canoongoes were fixed at Rs. 30, 25 and 20 per month, forming an annual expense of Rs. 10,320.

That the offices of canoongo and putwaree are so blended with each other, that the results to be expected from the establishment of the former must in a great degree depend on the regularity observed in the accounts furnished by the latter.

That in January 1820 the Acting Collector visited some of the pergunnahs and appears to have been satisfied that the registers of putwarees were correct, but that the mode in which they kept their accounts was not satisfactory, being contrary to that prescribed by Mr. Chamberlain, who was deputed to establish and reform the system.

That in April 1821 the Acting Collector again visited a few pergunnahs, and complains of the mode pursued by the farmers in ousting putwarees, though the sentiments expressed relative to the canoongoes are favourable.

That at the period he took charge, in April 1822, he found no method was preserved in the canoongoes' offices, and their time appeared wholly occupied in writing urzees to the Collector, complaining of the zemindars, farmers, and putwarees. Had in consequence interviews with such of the zemindars as resided near to do away the unfavourable impression which had been excited in their minds by the officers being established.

That with few exceptions he succeeded in obtaining correct lists of putwarees, and on his first visit into the interior, found the landholders disposed to give every information. That he found the registers were correct, excepting so far as regarded the registers of putwarees in those estates, the property of landholders who do not reside in the district.

Enumerates the duties required of the canoongoes, with remarks how they are performed.

Observes that the canoongoes' reports must always be received with caution for many reasons, of which some instances are given that a perfect register will be a work of time, and its authenticity must in a great measure depend upon the Collector's investigations on his occasional visits to the interior.

That the putwarees' lists are kept as regularly as can be expected. That putwarees were entertained in this district many years prior to the formation of the perpetual settlement for the purpose of collecting the revenue; and thinks it necessary that the putwaree should be made an officer of Government. That fewer would be required than at present, and the greatest benefit would be derived both by Government and the community; but chiefly the ryots, who ought to be protected in their rights by the putwaree taking care that the landholder does not demand more than the fixed pergunnah rates at present, the putwarees are harassed both by zemindars and canoongoes, by one for the collections, by the other for the accounts; and believes, were the offices of canoongo and putwaree separated, annoyance of the latter would cease altogether. States that during the minority of Rajah Govind Nath many pottahs were cancelled, and the amlah for a pecuniary consideration gave others at a lower rate. In the remaining estates pottahs are seldom granted, and although the landholder by refusing to grant them except at his own rate, oppresses the ryot, the latter seldom complains.

That the canoongoes' offices are very deficient in keeping up the registers of pottahs, nor can it be expected that they can keep such register without documents to form them

States that the registers are in a state of forwardness, and when a canoongo may not be able to obtain information in the mofussil, he may always get it by application to the Collector.

That admeasurements of land are seldom applied for, and, when requested, it is generally on the part of the ryot, with whom, however, the landholder invariably manages to settle his differences. When, however, the application is made by the zemindar, and the canoongo is called on to assist, the ryot protests against his interference, alleging that the canoongo favours the zemindar.

That the putwarees are paid by a commission of 3 per cent. on the collections, and appear satisfied, but complain, and with reason, of the distance they have to travel from the villages they are appointed to superintend to the canoongoes' catcheries, for it often happens that a putwaree has to go 30 or 40 miles with his accounts, from the canoongo not being stationed in the centre of a pergunnah.

That as to the canoongoes, they seldom think of seeking information by going a circuit of their divisions, excusing themselves on the plea that their allowances are too small to admit of their keeping any conveyance. Those who receive Rs. 30 per month are certainly well paid. But considering that they are obliged to entertain a mohurrir, suggests their salaries be equalized, by Rs. 30 being allowed to each person.

States that, as he proceeds in compiling information for the Record Committee office, expects to obtain much information that the quinquennial registers, begun in 1197 B.S., were destroyed by fire, and although those for the 4th and 5th years have been prepared, yet on comparing them with other documents, it is evident that many villages, uncultivated at the time of the settlement, have since been brought into cultivation, and names assigned them by the proprietors who withhold every information from fear of an assessment taking place, and that in some instances the quinquennial registers, as delivered in by the zemindars, differ materially from the canoongoes' statements.

States that he has succeeded by perseverance in getting the jummah-wasil-bakee papers delivered in up to the end of 1229 B S., and many for the past year, that obstables are of course sometimes thrown in the way, but patience and firmness will, Mr. Sage says he is convinced, overcome the difficulties attending the introduction of a new system so beneficial, in particular, to the ryots who require protection.

States that, if the Collector was authorised to summon the zemindar, in the first instance, reporting his proceedings to the Board for confirmation, more attention would be paid in furnishing information than the reporting of the case to the Board previous to sending for the landlord.

Suggests that the canoongoes should be directed to reside in the centre of their jurisdictions, and an oath administered to each, of such nature as might be framed by the Board or Government, for at present they do not consider themselves bound by any moral obligation to perform their duties conscientiously.

Observes that, if a respectable person was appointed to superintend the canoongoe establishment with a salary of Rs. 50 per month to reside at the Collector's office, much time would be saved the latter officer, whilst the records would be more complete. He would not of course be permitted to issue any instructions, but should be held responsible for the accuracy of all papers delivered in by the canoongoes.

Mr. W. H. Belli, Collector of Hooghly, 30th October 1824.

States that in July 1823 he assumed charge of the Collectorship, and did not find any canoongoes actually being employed.

That nothing essential can yet be said to have been done, and this question seems to lay over for decision, whether the course proposed by Mr. Smith, or Mr. Saunders, should be adopted, viz. proceeding by pergunnah or thannah divisions, and whether those individuals nominated by the former gentleman are approved.

Mr. R. W Marwell, Collector of Jessore, 22nd April 1825.

States that the difficulty that was experienced in the preparation of the registers of mouzahs and pergunnahs required for the office of the Committee of Records has been in a great measure removed by the exertions of the canoongoes, who have after much labour and search prepared and delivered in correct lists of the mouzahs, &c.

That this district is sub-divided into 138 pergunnahs, for which the aggregate number of putwarees hitherto appointed amounts to 1,559, the individuals selected to fill these situations have been nominated by the zemindars, talookdars, and persons holding lands therein free of assessment, and their appointments confirmed on their being reported by the canoongoes to be duly qualified for the office. That many of the large estates are still deficient in the full complement of patwarees necessary to facilitate the preparation of the papers, but arrangements have since been made to supply the omission that most of the proprietors of estate paying Rs. 100 or under have themselves prepared and delivered in their papers to the canoongoes.

That ever since the revival of the office of canoongo in the year 1817, measures have been in train for the appointment of putwarees, and the landholders have since commenced furnishing through them to the canoongoes certain documents which have enabled many of them to compile the accounts of the net proceeds comprising the Government revenue and the profits receivable by the proprietor from each estate. That hitherto no successful means have been devised to arrive at the papers containing the payments made by actual cultivators of the soil to the intermediate tenants.

That the offices of the canoongoes are as yet singularly deficient in information respecting the actual quantity and extent of lands, owing to the obstacles that the zemindars have to encounter in the measurement of their estates, and the limited progress that has consequently been made therein From such of the estates as have come under measurement, the papers specifying the quantity of land measured and the jummah have been received, and as the proprietors of most of the principal estates are under engagement to complete the measurement of their lands within limited periods, he is in hopes that in the course of the ensuing two years he will be able to obtain correct and accurate information in regard to the quantity of land, the jummah, the rugba and nerikh of all the principal estates in the district In some instances the boundaries of the villages within their respective jurisdictions have been defined by the canoongoes.

States that in the searching out and investigating the Government, right to Sunderbun cultivations and chur lands, he has found many of the canoongoes eminently useful, which he details at some length.

That the pertinacity of persons holding lands in the district free of assessment, and of the surburrakors and managers of lands endowed for religious purposes has prevented the canoongoes acquiring any satisfactory information in regard to the extent and produce of these lands, although every legal means have been employed to compel the surrender of the papers called for, it was only until the past year, when partial deliveries were made, that he has been able to gain access to any papers relating to the above lands.

That the power of appointing putwarees and of delivering in the papers and accounts required for the office of the canoongoes being vested in the zemindars and other landed proprietors, and the authority allowed by the Regulations to the public officers for the enforcement of these requisitions being so very limited. it is hardly to be expected that any efforts for the due efficiency of the office, however well directed, will be attended with rapid success. That without recourse be had to coercive measures, such as the attachment of property pending the delivery of papers, the obstacles which now exist to the furtherance of the canoongoe system, and more especially to the attainment of the papers of persons holding lands free of assessment, for which the Regulations do not explicitly provide, will never be surmounted.

That the putwarees are in fact dependent on zemindars for the materials necessary for their office, and for permission to comply with the requisitions made to them, and cannot be expected to afford implicit obedience until they shall have received all requisite papers and accounts from the zemindars

That in the event of the office of the canoongo being able to furnish the requisite documentary information in regard to the established pergunnah rates, the rugba of the lands, the boundaries of the villages, and existing engagements, much fruitless litigation and delay would be obviated on the occurrence of disputes between the landholders and their ryots, all attemps at imposition and fraudulent alteration of ratified engagements would be checked, and the full particulars relative to the validity of rent-free tenures would thus be disclosed. and to such lands also as are resumable and justly claimable by Government.

That with very limited means of information the canoongoes have already succeeded, principally from local enquiry, in furnishing him with substantial grounds for nearly 200 separate claims on the part of the Government to Sunderbun and chur cultivations, the investigation into which has been commenced under Regulation II of 1819, and will be duly reported hereafter.

That on a reference to the papers which the canoongoes have received from the proprietors of certain estates, it would appear that, owing to the successful progress made by them in cultivating waste lands and the churs alluviated by the rivers, that the annual profits of some of them have been raised as high as tenfold the amount of the Government revenue, and in no one instance has he been able to discover that any of those estates yields less than fourfold that amount. That the enormous profits beyond their assessment, which those estates have since been made to yield, can only have arisen from the usurped possession of the above lands which are now in full cultivation; but until the final arrangement of the canoongo's office, the full particulars relative to those lands must remain but partially known.

P. S.—Accompanying this address are forwarded for the inspection of the Board specimens of the papers prepared and delivered in by canoongoes.

Mr. H. T. Travers, Collector of Moorshedabad, 27th June 1825

Reports the details that have been prepared for the years 1228-29 B S. by a few of the canoongoes, and states that in his opinion the whole might have prepared their registers thus far to 1230 B.S., had they not been utterly regardless of the obligation of their duty.

States that he has not the least doubt but that it was the zemindars alone who prevented the putwarees attending him during his late tour.

That his time is so much occupied with the various other duties of his office, that he cannot give the attention required to establish the canoongo system.

That to prevent procrastination and evasion, the local authorities are not authorized to impose any penalty for the non-attention to their orders, without a previous report in English to the Board of Revenue, and their not having leisure to detail the whole of the evidences taken to ascertain whether it is the zemindar, putwarees or canoongoes who are in fault, the case lays over, whereas were the Collectors authorized to act on their observing the neglect of their orders on their own responsibility (or, if the Board of Revenue thought proper, for their own satisfaction to have native proceedings submitted. reporting the different cases), feels convinced he should shortly be able effectually to introduce the canoongo system, and the benefit both to Government and individuals can only be known and felt after its being carried into execution; but without this power being given to the local authorities, he fears the system will get no further than at present; however, as far as lays in his power, every exertion shall be made to establish it effectually.

Mr. E. R Barwel', Collector of Midnapore, 27th January 1826.

Observes that the establishment of canoongoes and putwarees have now been placed upon as efficient a footing in this district as the nature of circumstances can for the present possibly admit of, and the papers of which he submitted a comparative statement to the Record Committee, exhibiting the difference between the zemindari accounts of this part of the country, and those compiled by Mr. Smith, copy of which he transmits, are regularly obtained by the canoongoes from the putwarees of each malgoozar within their respective divisions.

That the correctness of the accounts can only be gradually ascertained by means of a personal survey on the part of the Collector himself throughout some portion of each successive year, for a series of years to come, and had there been a registrar or assistant of any kind at the station whose services could have been rendered available for the purpose of taking charge of his treasury, and conducting the current business of the office during his absence from it, it was his intention during the present season to have commenced upon a scrutiny and comparison of the canoongo records with the lands to which they refer.

Mr. G. Collins, Collector of Mymensingh, 17th September 1824.

Reports that canoongoes were established in all the pergunnahs of this district in the year 1227 B.S., but since their appointment have produced only a portion of that year's zemindary accounts. States the inconvenience and loss sustained by Government in consequence of the slow progress of the canoongoes in the performance of their duties.

That putwarees have been established in all the pergunnahs of this district, though in some disproportionate in number to the extent of land they have to superintend; but the office is, in this district, through the chicanery of the zemindars, in concert with the canoongoes, perfectly nugatory; the putwarees being the dependents of the zemindars, have invariably assisted the zemindars in concealing their unassessed hal-abady lands by withholding the half-yearly accounts, the production of which can alone afford a clue to their discovery.

That the canoongoes have an object in conniving at the concealment by the zemindars of their unassessed lands, their salaries not being commensurate to the bribes they may receive for connivance.

Recommends that all the zemindars in the district be enjoined to deposit within a prescribed period, through their mooktears or vakeels, issumnavesses or lists of the names of the putwarees attached to the mouzahs comprising their estates, in default of which that putwarees be appointed by Government to all mouzahs, a list of the putwarees of which had not been produced; that their salaries be fixed by Government and levied from the zemindars with their revenues and paid from the treasury to the putwarees. That though they might be appointed by the zemindars, all the canoongoes be enjoined to identify the putwarees, to register their names, the names of the pergunnahs to which they are respectively attached, and the names of their relatives; and to report without fail all cases of negligence of duty in the putwarees, and of collusion and chicanery on their part with the zemindars, on pain of dismissal, which should also be the penalty of any repeated glaring frivolous excuses given by the canoongoes. Anticipates that the adoption of the measures submitted would be highly advantageous both to the Government and the community which he details.

Mr. A. Ogilvie, Collector of Nuddea, 14th September 1824.

States that the canoongoes in this district have hitherto made very considerable progress in their duties, and that they continue to furnish the several books required of them very punctually.

Transmits statement showing the number and description of books annually required from them, as also those still due for the years 1226 to 1229 B.S. inclusive, and observes all of which will no doubt be speedily forwarded to this office.

That besides the book above alluded to, the canoongoes were directed to prepare "boundaries of the several villages" in their divisions, also tables of pergunnah rates and registers of lakheraj lands, the two former they have completed and the latter are shortly expected.

That the zemindars (with a few exceptions) continue to supply the canoongoes with their "village accounts" with regularity and willingness, and the apprehensions which at first existed of a new assessment seem entirely to have subsided.

That many of them, however, have not yet appointed putwarees as required by the regulations, and does not think this establishment will ever be completed in this district with the consent of the landholders.

States that he has used every exertion to carry this system into effect, but without success; and in many instances landholders have filed lists of their putwarees in this office, but never employed them, and still all the papers required of them have been delivered to the canoongo through their *karpurdaz* or *gomastahs* without any trouble; that the greatest part of the records in question have been furnished by these people; and is of opinion that, if the malgoozars are forced to entertain putwarees, the difficulty of procuring their village accounts would be greatly increased. Under all the circumstances of the case, he would not therefore at present recommend the enforcement of this rule.

Mr W. Petrie, Collector of Purneah, 16th March 1826.

Reports that the canoongo's establishment has hitherto never been introduced into this district, nor is there a registrar appointed. That there is scarcely a zillah in which the canoongo system could be of more use than in this

That an additional establishment ought to be entertained to superintend and prepare the canoongo's papers

Mr. W. A. Pringle, Collector of Rajshahye, 29th September 1824.

REPORTS that on taking charge of this district he found the offices of canoongo and putwaree inefficient in the extreme, and hardly anything seemed to have been done since their establishment to render them otherwise.

States that almost every one of them attempted by delay or disobedience and wilful misunderstanding to throw every possible obstacle in his way, and it was not until the end of March that lists were furnished, which had been called for immediately after the receipt of the Board's letter of the 30th July 1823, and which might easily have been furnished in less than six weeks.

That the above lists showed what papers were and what were not furnished by zemindars and putwarees, on which the canoongoes were to ground the records of their offices, and thereby furnish a groundwork to proceed upon by showing the actual state of the canoongoes' offices at the time.

That to prevent their receding, and to obtain information of their future progress, he prepared a form of statement, and directed them to furnish it filled up every fifteen days. This statement comprises almost all the general information which a canoongo is required to furnish, and from its being arranged under separate heads, every statement becomes an available record; and as the statements for each hoodah are bound together, they can always be referred to with the greatest facility and exactness for almost every information required concerning it.

States in detail what labour of the canoongoes has been diminished by this measure, and of the checks it has introduced against their chicanery.

That he has been more anxious about getting the requisite document from landholders and putwarees than about the arrangement of the information they contain by the canoongoes; but now that a considerable number have been furnished (and as many he believes since the end of March as were furnished altogether before that period), has directed the canoongoes to employ themselves diligently in arranging what they have already got.

Reports that the Record Committee has been furnished by the canoongoes with more than the registrar will be able to arrange for some time to come, so they cannot now be blamed by the Committee for any delay that may occur.

That with the exception of one perguunah, all the lists of mouzahs have been furnished to the Record Committee

That since the end of March, has issued a great number of warrants against putwarees who had not furnished the requisite papers In most instances, as soon as they heard of the warrants being out against them, they eluded them after furnishing to the canoongoes a great number of the papers required, and in such cases have gone no further, the greater part of the object of the warrant being thus gained.

That in many instances they were apprehended, and generally brought with them many papers, which he forwarded to the canoongoes, and desired the putwarees to name their own time for furnishing the rest, taking an agreement from them to that effect, and warning them that if they failed they would again be arrested and would then have no excuse.

That a great number of papers have been so furnished, and have not gone the length of imprisoning a putwaree as yet, reserving this power for those who either furnish falsified documents, or fail in their agreements, without showing a reasonable cause for doing so.

States that the effect of patience, of full explanations, and moderate penalties in the first instance, will, he is convinced, succeed in the end better than a more severe system.

That the putwarees have frequently complained of canoongoes rejecting good documents as incorrect or insufficient for the purposes for which they were required, and states the rules he has laid down, which deprives the canoongoes of the power of annoying putwarees and landholders by rejecting documents on false or frivolous pretences, has made them much more guarded and accomodating in this respect than they were.

That he has as yet abstained from reporting any landholder to the Board for daily fines on proprietors for dismissing putwarees in an irregular manner and withholding their pay; and in one instance the fine has been remitted on a fair explanation being given, and a promise not to repeat such conduct in future

That it will, however, become necessary soon to report some zemindars for fines, and putwarees for dismissal, but in doing so will carefully select the most flagrant instances of contempt and repeated neglect of orders, and trusts that a few examples will be sufficient to convince them and others of the impossibility of altogether evading the regulations and orders of Government on the subject, although the extreme lenity they have experienced has caused them to withhold their obedience so long

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Mr R. P Nisbet, Collector of Rungpore, 16th March 1825.

STATES that in general the canoongoes have got the account of the collection made by the tehsildars or sezawals from the lands held khas or under attachment for each year since the re-establishment of the office pretty correctly, and considerable progress has been made in this part of their duty.

That the accounts of all lands held under rent-free tenures and reports of escheats to Government have been only partially prepared, in consequence of the difficulty in obtaining documents.

That every canoongo is well provided with the list of putwarees, but few have been able to make a register of pottahs, partly because the generality of landholders in this district do not grant pottahs, and partly from the unwillingness on the part of both ryot and zemindar to supply the information when pottahs have been granted.

That the duty of keeping a register of all transfers of estates have been well attended to.

That the compiling of information regarding local boundaries, customs, produce, rates of rent, with other local information is a work of time; that the canoongoes have great obstacles to contend against in obtaining them, though some have partially succeeded.

That it does not appear practicable that canoongoes can attend at all admeasurements of lands, as they are continually occurring at the same time at villages very distant from each other, though they do attend as often as possible.

That the accounts, &c., are strictly kept according to the forms prescribed, and the canoongoes have good information in regard to all succession to lands.

That with regard to putwarees little has been effected, that they are exceedingly ignorant in this district, and the zemindars are very backward in letting them furnish information.

That the people are suspicious that more than mere information is the object of the canoongo and putwaree system.

Mr R. D. Mangles, Commissioner in the Sunderbuns, 14th July 1825.

Reports that canoongoes and putwarees have been established throughout his jurisdiction; with a few partial and incidental exceptions, the papers required from those officers severally have been regularly furnished and the registrar is advancing in the labours of his department. But states that he is decidedly of opinion that the papers which the canoongoes furnish to the several Record Committees, drawn up, as they are and must be, from the information, whether verbal or written, of the creatures of the zemindars, are worse than useless. If they obtain no credit in the courts of law, the expense of preparation will have been wasted, and they will become cumbersome to the offices in which they are deposited. If they are admitted as valid documentary evidence, decisive upon any disputed point of right or possession, their existence in an English, or indeed any form will be purely and deplorably mischievous

Declares his firm conviction that as long as the putwarees are the servants of the landholders themselves, receiving from them their wages, and as long as the canoongoes from their low station in life, their small salaries and their consequent poverty, are exposed to almost irresistible temptation, so long will the appointment of canoongoes be useless, or even worse than useless; states that at present only one partial remedy for the evils that exist suggests itself to him, which is that, if the landholder himself were made personally and directly responsible for the fidelity of the village accounts rendered by his putwaree to the canoongo, the fear of the punishment that would follow the detection of wilful falsification in the papers would oblige the zemindar to abstain from malpractice for his own benefit, and to be careful that mis-statements are not admitted into the accounts to further the purposes of others

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Mr W Dampier, Collector of Tipperah, 3rd December 1824.

Is not able to afford any information respecting the benefits which have arisen from the employment of canoongoes in this district That with the exception of a very short period the canoongoes in this division have not been employed in their respective duties. That it would not be fair to attach that want of efficiency to the system which has had its origin in the neglect or disqualification of the individuals employed, as before reported by Mr. Collector Jennings

States that many benefits are to be expected from the continuance of this system by the employment of persons properly qualified, and regrets that from the misbehaviour of the canoongoes employed here, he is unable to report favourably; however, recommends a further trial, being perfectly confident that much advantage must arise both to the Government and to the zemindars from the system

C. E. G.—Reg. No. 11480C—112—25 12-81

16

No. 780, dated Fort William, the 3rd July 1828.

From—The Secretary to the Government, Territorial Department,
To—The Members of the Board of Revenue, Lower Provinces.

I AM directed by the Honourable the Governor-General in Council to transmit to you the accompanying copy of an extract from the proceedings of the Presidency Committee of Records, and to inform you that His Honor in Council, adverting to the indispensible necessity which now exists of getting rid, without loss of time, of all establishments that do not give an adequate return for the expense of them has this day resolved that the establishment of canoongoes in the Provinces of Bengal, Behar and Orissa, excepting Cuttack, shall be reduced in the manner and to the extent therein suggested.

2. You are requested to take the subject immediately into your consideration, and to issue orders to the Collectors under your authority for the dismission of the canoongoes employed in their several districts, with the exception of those whom you may deem it clearly expodient to maintain.

3. Government will expect from you an early report of what you may do under the above order.

Extract of a Minute of MR. MACKENZIE, *dated* 21*st April* 1828.

I WOULD further propose that the canoongoes in the Lower Provinces, excepting Cuttack, be dismissed, with the exception of two or three in those districts in which the Board of Revenue may be clearly of opinion that they can be efficiently controlled, that is, in which the Collectors shall join to other adequate qualifications a knowledge of revenue accounts and the power of reading them readily.

The cumbrous statements which Mr. Salmon, I believe, prescribed should be discontinued. The accounts of the country are in point of form much preferable, and no change of form can add much to the value of the matter. On this subject, however, I shall content myself now with referring to the minute I wrote some years ago, from the opinions expressed, in which I see little reason to depart.

The Collectors who may be allowed to retain canoongoes should commence their operations village by village, first completing the record for one pergunnah before they go to the next; they will thus understand what they are about; they will be able to control the officers employed by them, to compel them to give information, and to make use of the information given, and the discoveries thus made will, I am confident, soon repay the expense tenfold.

I am far from doubting the wisdom of the orders which the Court of Directors issued for the re-establishment of the canoongoes. As far as concerns merely the sudder malgoozars and the Government, the permanent settlement and the disuse of tehsildars have of course much diminished the immediate utility of such functionaries. But I am satisfied that some such a system of local and partly hereditary record office is indispensible to any thing like a knowledge of the country, though of course no system can of itself operate to give that knowledge to those who will not seek it. The abuses which may have occurred I attribute chiefly to the inefficient management of our Collectors, for they might easily, I conceive, have been prevented, but partly to the over anxiety of the Government to have the office generally established without sufficient advertence to practical results, and this last cause has certainly operated to disappoint our hopes of the utility of the office, and has thus led to a very considerable sacrifice of the public money.

The sudder amlah are of course opposed to a set of men who, if they did what is desired, would seriously interfere with exaction in all quarters, and who in the opposite event are still likely to interfere with by sharing their plunder. The great zemindars being, by the very necessity of the position in which they are placed, oppressors and extortioners, will doubtless swell the clamor, and, excepting under efficient control, this like all other movements in the interior of the country (from the progress of the head of the Government to the deputation of the lowest peon) will be a source of suffering to the poor cultivators.

But by the gradual course I would recommend, we may, I hope, obviate almost all the evil and secure a great deal of good. For the opposition of the great zemindars we must be fully prepared. But confining ourselves to such a sphere of operations as may be completely overlooked, we need no longer waste our time and compromise our authority in the vain attempt of reconciling them to an abridgement of their power. We may at once avow and act upon the plain principles that ought to guide us in regard to the interests of the cultivators and the right of the Government, and should we (I think it is impossible we should) fail after all, we shall at least have the satisfaction of relinquishing the attempt, with the knowledge that it has been fairly tried, and the trial will cost little or nothing.

Of the canoongoes who may be dismissed, some will no doubt find employment as mutsuddies, and it would, I think, be well worthwhile to employ a few of them temporarily in arranging and forming lists of the existing records. Their pay in this as in

other similar cases should be proportioned to their work. Others will probably act as temporary ameens in cases in which local enquiry by such agency may be ordered, and they ought, I think, to have been extensively used in this way, but that it suited the amlah of the kutcherries to employ their own people.

On the whole, I confess I feel no small compunction in proposing that so many men should be turned adrift whose failure is to be traced chiefly to the fault of our own body, but the present state of the finances renders it necessary to get rid of all useless establishments, to whatever cause the inutility may be traced, unless it be such as can instantly be remedied.

Extract from a Minute by Mr. H. T. Prinsep, *dated* 10*th May* 1828.

With respect to the abolition of the canoongoes in Bengal, I cordially assent to all Mr. Mackenzie has said upon this subject. The records of the canoongoe's offices according to their present constitution form a mass of little or no utility. I have enquired whether they are deemed of authority in the adawluts or in the Collector's cutcherry in the decision of suits for the land rent, but have never heard a judicial man speak favourably of them, and very seldom any Collector. The canoongoes are, indeed, occasionally useful to make petty attachments, and as officers in the interior, whom the Collectors may write to for intelligence, or employ in any petty duty that may arise, but no one will justify the policy of maintaining at a time when the necessity for economy is urgent, a large body of officers sprinkled over the country merely that there may be somebody on the spot to employ in gaining intelligence, because probably the occasion may arise for seeking it, the charge of the present canoongoe establishment in Bengal is stated at not less than two lakhs per annum, which is certainly more than this object is worth. As to the particular forms of account kept up by the canoongoes, and the means and facilities they possess of converting these through the inefficiency or ill-directed zeal of a Collector into a means of extortion on the zemindars, it is not at present necessary to enter on that part of the case. The voluminous records connected with the canoongoe's office in Bengal have for some time been with Mr. Molony, from whom the Committee has been expecting a minute, exhibiting the results in detail, and upon that it has always been my hope that an extensive revision, if not the entire abolition of the institution, as attempted to be re-established in the Bengal districts, might be founded.

S. Rs. 2,02,692.

Mr. H. Mackenzie has anticipated Mr. Molony by his present minute, and speaking from the general impression left in my mind, as well from the references on the subject made when I was in charge of the Territorial Department, as from the result of personal enquiries from public officers and others likely to be well informed, I have no hesitation in seconding the proposition that, as a measure of economy, the abolition of the canoongoes should be recommended to Government, except in such particular districts, and in such reduced number for each as the Board of Revenue may deem it advantageous to retain with a view to any particular purposes in hand.

Extract from a Minute by Mr W. Money, *dated* 22*nd May* 1828.

I entirely acquiesce in the expediency of the mode of procedure in regard to the abolition of the canoongoes suggested by Mr. Mackenzie, but I would propose that the Committee, await Mr Molony's promised report (unless there is a probability of its being delayed for any length of time) before they address the Government on the subject.

Extract from a Minute by Mr Molony, *dated the* 30*th May* 1828.

Being incompetent to speak from personal experience, I can only judge of the utility of the canoongoes from the reports of the local revenue officers.

As officers of whom it was expected that they should compile and keep up a complete record of land tenures of every denomination, the reports of the revenue officers prove that they have been of little or no use

They have, I conceive, too, been quite useless as officers designed to assist the Civil Courts in the administration of justice. I have known numerous cases in which their reports and evidence have been brought forward, and have uniformly observed that little or no reliance is placed on their testimony, and in cases in which the Government is a party, being considered as the servants of the State, their evidence is always received with distrust.

In the Western Provinces and in the Dehly and Nerbudda Territories, they may not, perhaps, be altogether so useless as in the Lower Provinces. They act probably in some respects as beneficial checks on the tehsildars, and no doubt may be made useful in local investigations, though even in such cases the revenue officers seems to distrust them. In the

Lower Provinces they have been of little use beyond the assistance they occasionally give in lakheraj cases under Regulation 2, 1819, and I have heard the opinion very generally expressed that they find a rich harvest in the lakherajdars, who bribe them to silence in respect to the lands held rent-free.

Upon the whole, considering the enormous expense of the establishments, I am disposed to doubt if even in the Western Provinces their services require the State.

I know it will be said that if the Collectors themselves possessed a competent knowledge of the languages, of native village accounts, and of the habits and customs of the people, they would be enabled to turn the services of cancongoes to good account, and that the failure of success is attributable in great degree to the incapacity of the revenue officers; but even if this be granted, I do not conceive it to afford a solid ground for the continuance of expensive establishments, which, from the want of proper control, cannot be made to repay to the State the expense of their maintenance

I should, perhaps, hesitate in recommending their abolition in the Provinces in which the settlements are open to revision, but I have no hesitation in urging the expediency of their immediate abolition in all the districts under the control of the Board of Revenue in the Lower Provinces, and in those districts under the Central Board, in which that Board may consider that their services can be dispensed with

TERRITORIAL DEPT.,
The 3rd July 1828

ROBERT MACKENZIE,
Secretary to Government.

E. D'S —Reg No. 11481C—112—29 12-84

20

No 1721, dated Calcutta, the 21st April 1829

From—The Sudder Board of Revenue.

To—The Governor-General in Council

WITH reference to the orders of Government to the late Board of Revenue for the Lower Provinces dated the 3rd of July 1828, directing them to take into consideration the expediency of reducing the establishment of canoongoes employed in the several districts under their authority, and calling for an early report of the measures they might adopt to give effect to the intention of Government, we think it proper to state, for the information of your Lordship in Council, that, on the receipt of the above orders, the late Board directed that the canoongoes of the districts noted in the margin should be discontinued, and their records and lists thereof formally deposited in the Collector's office

Beerbhoom Dinagepore Moorshedabad Rajeshahye Rungpore Jessore Backergunge, Sylhet Dacca and Tipperah

2 In the exercise of the discretion allowed to the late Board, in the second paragraph of the above orders the Collectors of Bhagulpore, Jessore, Midnapore, Nuddea, 24-Pergunnahs, and Burdwan, and the Commissioners, in the North Eastern Division of Rungpore and the Sunderbuns were authorized to select two of the most meritorious and intelligent officers of their respective canoongoe establishments and retain their services, discontinuing the remainder

3 The reserved individuals were to be at first employed in compiling the whole of the canoongoe records of their district, and preparing an index of the same, and the Collectors were instructed to select for their ulterior employment those divisions in which their services could be most useful

4 The office of Canoongoe has never been established in the districts of Hooghly, the Jungle Mehals, Purneah, Chittagong, or Sylhet We should have been disposed to recommend the continuance of the office of canoongoe in the district of Cuttack and in Pullaspore and its dependencies as well as in the unsettled portion of Hidgellee, but understanding that the abolition of that office has been recommended by the Commissioner in Cuttack, we suspend our opinion on this subject, and request that if there be any late correspondence from the Commissioner in Cuttack respecting the canoongoe establishment of that province and its dependencies, we may be furnished with a copy of the same unless the question to which it may relate shall have been finally disposed of by Government

5 With reference to the observation contained in the extract from the Proceedings of the Presidency Committee of Records in regard to the cause of the failure of the experimental attempt to re-establish the office of canoongoe we consider it but just to the Revenue Collectors to admit that the success of that measure, and the efficiency of the canoongoe office, is mainly dependant on the previous restoration and efficiency of the office of putwaree, the old records of which have been mostly destroyed, and Government are no doubt aware of the difficulties which have been experienced in re-establishing the office of putwaree on a proper footing owing to the opposition of the zemindars who have in general manifested great reluctance to comply with the requisition of the Collector for appointment and payment of putwarees Without the previous and effectual re-establishment of the office of Putwaree, little advantage, we conceive, was to be expected from the appointment of canoongoes, and to place both those officers on an efficient footing, under the circumstances of difficulty and opposition which have been noticed, would, we conceive have necessarily been a work of considerable time requiring almost the exclusive attention of the Collector It is therefore we think too much to say that the failure of the attempt has proceeded from the inefficiency of those officers I have perused the letter from Government, dated the 3rd July last and extract from the Proceedings of the Presidency Committee of Records therein referred to, also the minute of the Senior Member of the late Board of Revenue recorded under date the 15th of July last, on the subject of those papers, and the abolition of the office of canoongoe in Bengal

If the necessary orders have not yet been issued to the local collectors in the Lower Provinces to discontinue the canoongoe establishments in their respective districts, those orders, with an extract from the Proceedings suggesting the means by which the services of those officers may hereafter be available, should I think, be forwarded without delay to the several Commissioners, who should be requested to report for the information of the Sudder Board and Government the date from which these orders may be carried into effect in the several districts under their control

The only districts in Bengal which I think it may be expedient to except from the operation of this order and in which the canoongoes should be continued experimentally, are Cuttack and Pullaspore Hidgellee, Sylhet, and Chittagong In these several districts, under proper superintendence I am of opinion the canoongoes may render essential services to the revenue officers in completing the investigations and settlements in progress

W Leil—Reg No 11476—112—27 12 84

22

No. 98, dated the 22nd April 1831.

From—The Board of Revenue,

To—The Deputy Secretary to the Government of Bengal, Revenue Department.

WITH reference to the orders of Government, dated the 19th of April 1830, I am directed by the Sudder Board of Revenue to submit the accompanying letters from the Commissioners noted in the margin, reporting the progress that has been made in compiling the records and indexes, for which two canoongoes were retained in certain districts belonging to their respective divisions

Bhagulpore, Moorshedabad, Assam, Allpore, Cuttack, Burdwan.

2. *Bhagulpore.*—The Commissioner of the 12th Division reported on the 3rd July 1830, that of the two canoongoes reserved by the Collector of Bhagulpore for the preparation of the lists of records, &c., on the abolition of that office, one was dead and he recommended that the Collector might be allowed to retain the services of the survivor, assisted by a mohurir at Rs. 5 a month, for a further period of one year, to compile the indexes of those records, which measure was sanctioned by the Sudder Board on the 30th July 1830.

Abstract.

Submit the reports of the foregoing Commissioners on the progress made in compiling the records and indexes for which two canoongoes were retained in certain districts, with the suggestions of the Commissioners with regard to the future employment of those officers.

3. *Moorshedabad.*—The Commissioner of the 14th Division reported on the 14th July 1830 that the canoongoes retained by the Collector of Nuddea had compiled the records belonging to that department, with exception to the remaining papers of 1234, and stated that, in his opinion, the Collector's record-keepers would be fully capable of preparing those papers without the aid of the canoongoes, in which opinion the Sudder Board concurring directed, on the 30th July 1830, the dismissal of the officers in question.

4. *Assam.*—The Commissioner of the 17th Division reported on the 12th March 1831 that one canoongoe only was employed in the north-eastern parts of Rungpore, and stated that, in his opinion, the services of that officer should be retained with reference to the various duties he would be called upon to perform under Regulations 2 of 1819 and 3 of 1828, an arrangement which the Sudder Board recommend.

5. *Allpore.*—The Commissioner of the 18th Division reported on the 27th July last that the papers belonging to the Jessore district have been compiled, and that those belonging to the districts of the 24-Pergunnahs and Sunderbuns would be completed shortly by the canoongoes retained for that purpose. The Collectors of Jessore and 24-Pergunnahs urge the necessity of retaining those officers to be employed in measuring lands and in conducting all local enquiries in which the interests of Government are concerned, and the Sunderbun Commissioner requires the services of the canoongoes to assist in settling the puttoetabady estates. The Commissioner of Allpore recommends a compliance with the foregoing suggestions, on the ground that the employment of the canoongoes is preferable to that of temporary ameens, who have no inducement to resist temptations held out to them to betray their trust, in which opinion the Sudder Board concur.

6. *Cuttack.*—The Commissioner of the 19th Division reported on the 26th June 1830 the progress made in arranging the canoongoe records of the Midnapore district, and states that within six months from that date the whole of the papers will be properly arranged.

7. *Burdwan.*—The Commissioner of the 20th Division reported on the 1st February 1831 that considerable progress had been made in compiling the canoongoe records in the Burdwan district, but that the services of the two canoongoes now on the establishment will be required for a further term of two years to complete the arrangements in progress, and recommends that the Collector may be allowed to retain them, in which recommendation the Sudder Board join.

8. I am also directed to submit the accompanying letter from the Revenue Accountant, dated the 24th July 1830, together with a statement of the result of the arrangement ordered on the 3rd July 1828, in the form prescribed in the orders of Government of 19th April last, exhibiting a monthly saving of Rs. 11,111-4-4 in the reduced canoongoes' establishment of 1829, compared with the establishment of the preceding year.

9. I request the return of the several letters.

W LeB.—Reg. No. 12099C—112—3-1-85.

24

No 912 dated Fort William, the 30th June 1837

From—The Secretary to the Govt of Bengal Revenue Dept ,

To—The Officiating Additional Secretary to the Sudder Board of Revenue

WITH reference to your letter of the 9th ultimo, and to paragraph 9 of Mr Secretary Macnaghten s letter dated the 3rd of April, forwarded to you on the 18th idem I am directed by the Right Honorable the Governor of Bengal to request that the Board will report what steps have been taken and what progress has been made in the several districts under their jurisdiction to carry into effect the provisions of sections 12 to 15, Regulation IX of 1833

2. With reference to the provisions of Regulation XII of 1817, His Lordship is very doubtful whether the spirit of the law of 1833 above cited warrants the grant to any zemindar of so long a term as three years "for the preparation of his village accounts," as accorded by the Board to the Rajah of Tipperah

Л Р —Reg No 11483C—112—33 12-84

26

Circular No. 20, dated Allahabad, the 18th June 1837.

From—H. M. Elliott, Esq., Secretary to the Sudder Board of Revenue, North-Wester Provinces

To—Commissioners of Divisions, 1st to 5th—Dehli, Saugor, and Kumaon.

Forwards instructions for maintaining under such changes as must arise in the course of time the record of rights, possession, and liabilities fixed at the settlement.

I am directed to inform you that the Sudder Board of Revenue, North-Western Provinces, having had under consideration the best practical mode of maintaining the record of rights, possession, and liabilities, fixed at the time of settlement, under the various changes which time and circumstances must induce, you are requested to see the following instructions strictly and carefully carried into effect.

2. The putwaree of every mehal in every settled district is to be caused to take a correct copy of the khewut paper. This will furnish the name of every sharer, the land he holds, where the land is held in severally or the proportionate share possessed at the time of settlement, and the amount of jumma for which he is responsible.

3. Of course where sharers recorded themselves as holding in common at the settlement, their possession and liabilities will appear in common in this khewut record.

4. The putwaree will be required to make out, at the close of every Fussily year, a fresh paper in triplicate—one copy to remain in his own custody and to be kept with his records, the other two to be delivered to the tehsildar.

5. One of these the tehsildar is to retain, having affixed his seal thereto, among his own records; the other, having also affixed his seal thereto, he is to forward to the Collector's office, where, having received the signature of the Collector or his Deputy, it is to be kept with the records of the village for reference when required.

6. Where no change may have occurred either in persons or the distribution of property during the year, the paper of the current year will of course be in all respects similar to that of the year preceding. But if any sharer may have died, or have mortgaged or sold his share, the name of the heir or transferee will appear in the paper of the current year, and the putwaree will be required to affix a note, stating the cause of the change, viz., by succession, sale, &c.

7. In some districts it is not unusual for parties intending to make a transfer to present a petition to the Collector, stating the arrangement for his information, the object of the petitioners being to secure a kind of record of the transaction. In all such cases the petition must be sent to the tehsildar, whose duty it will be to see that the transaction, if actually including a change of liability and possession, appears in the khewut paper of the year.

8. Also whenever a Court of Justice may decree a proportionate share in a mouzah held in common, or may give specific instructions for putting a plaintiff in possession of certain specified fields in a mouzah of which the lands are held in severally, the transactions in question being supposed to involve no change in the parties under direct engagements to Government, the tehsildar will be instructed to see the fact duly noted in the khewut paper of the coming year. Transfers of puttees, &c., by the Revenue Department will be similarly recorded.

9. You will of course understand that the object of this order is strictly to secure a record of the rights of sharers not under direct engagements with Government and whose names are consequently not entered in the Government malgoozaree register.

10. You will be pleased to require the putwarees to file these papers at the tehsildar's office by the 15th of Kooar of each Fussily year, and the tehsildar will be responsible for forwarding the copy intended for the Collector by the 1st of Kartick. You will require every Collector to certify to your office by the 1st of January of each year that the papers have been received and placed with the records of each village, and you will report to the Sudder Board on the 1st of each February that the completion of these orders has been effected.

11. The tehsildars are to employ the canoongoes under their own inspection and at the tehsildaree cutcherry in receiving, arranging and comparing the papers, and the tehsildar will be held reponsible for the due performance of the duty, and especially for taking care that no gratuity or fee is demanded or received by the canoongoes, and that the putwarees are not detained at the tehsil office. The Board have been informed that one main cause of the difficulty experienced in getting village accounts filled is the heavy exaction always made by the canoongoes as a consideration for speedily releasing the putwarees from attendance.

12. It is obvious that the benefit of the settlement cannot be secured to the people, unless an authentic record of the facts ascertained at the time of settlement be carefully maintained. After much enquiry and consideration, the Board have been induced to adopt the measure now promulgated as the simplest, most natural, and at the same time, most effectual mode of securing the end aimed at, and they are satisfied that if carefully watched and carried through by the local authorities it will not disappoint expectation.

No. 25, dated Allahabad, the 30th July 1839.

From—H. M. Elliott, Esq., Secretary to the Sudder Board of Revenue, North-Western Provinces,

To—The Commissioners of Revenue, Nos. 1 to 5, Dehli, Saugor, and Kumaon.

Prescribing the papers to be furnished by the putwarees annually in the month of Kooar for the preceding year.

As the settlements are now sufficiently advanced in your division to admit of satisfactory arrangements being made for the regular preparation and supply of putwaree accounts, I am directed by the Sudder Board of Revenue, North-Western Provinces, to request that you will direct the attention of the Collectors to the following instructions.

2. The only papers which it is requisite that landholders should furnish through their putwarees are a *jummabundi*, *jumma-wasil-beki* and *teerij*, and a *jumma-wasil-baki tehsili*, and *jumma-khurch*.

3. These papers should be furnished once a year, viz., on the first of Kooar, for the year preceding.

4. In the districts of your division, where the settlement has been completed, you will direct the immediate introduction of the plan, and make the landholders understand that their neglect to conform to these rules will render them liable to the penalties prescribed by section 14, Regulation IX of 1833.

5. In the districts now under settlement, the introduction of the measure may be postponed till the completion of the whole settlement.

6. The list of sharers ordered by circular order No. 20, dated the 18th of June, must of course be furnished in addition to these papers.

No. 1651, dated Camp Bhurutpore, the 12th December 1839.

From—J. Davidson, Esq., Offg. Secretary to the Governor-General, North-Western Provinces,

To—The Offg. Secretary to the Government of India, Legislative Department.

In continuation of my predecessor's letter No. 1503 of the 20th ultimo, I am directed by the Right Hon'ble the Governor-General to forward, for submission to the Hon'ble the Vice-President in Council, the accompanying copy of a communication from the Secretary, Sudder Board of Revenue, containing further information on the operation of section 13 and 14, Regulation IX of 1833.

Dated Allahabad, the 8th November 1839.

From—H. M. Elliott, Esq., Secretary to the Sudder Board of Revenue, North-Western Provinces,

To—The Offg. Secretary to the Governor-General, North-Western Provinces.

In continuation of my letter of the 1st ultimo, No. 352, on the subject of enforcing the deposit of village accounts under sections 13 and 14 of Regulation IX of 1833, the Sudder Board of Revenue, North-Western Provinces, direct me to submit, for the information of the Right Hon'ble the Governor-General, the following abstract of reports received on the subject from the Commissioners of the Rohilcund and Agra Divisions.

Rohilcund Division.

Bijnour, Mooradabad.—No summary suits have been rejected in these districts from irregularity in depositing the village accounts. Till lately the opinion prevailed that the provisions of the Regulation were not to come into operation till the completion of the settlement, and the putwaree papers were consequently not so regularly furnished as they should have been, but measures have been taken to have the law on the subject duly explained, and the accounts are now regularly deposited.

Badown.—Eight cases have been dismissed in this district since the Regulation has been in force, owing to the failure of the parties to deposit their village accounts. A rule has been laid down that the accounts of the khureef crop shall be forwarded to the Collector's office by the month of Phagoon, or February, and those of the rubbee by the month of Sawun, or July, and no suit will be received after these periods, unless the delay can be satisfactorily explained.

Pillibheet.—The putwaree papers in this district are regularly filed at the end of each year without recourse to the enactments referred to.

Barelly, Shajehanpore.—No putwaree papers have been filed in these districts, but the requisite instructions have been issued to have the enactments of the Regulation, referred to enforced in future.

Agra Division.

Muttra, Agra, Furruckabd, Mynpooree, Etawah.—In Muttra Mynpooree, Etawah, Agra, and Furruckabad, the putwaree papers have been regularly deposited, but it does not appear that, except in the two latter districts, any cases have been dismissed on account of irregularity in filing the accounts.

W. LeB.—Reg. No. 114850—112—26-12-84.

No. 32, dated Calcutta, the 23rd January 1838.

From—The Offg. Secretary to the Sudder Board of Revenue,

To—The Officiating Secretary to the Govt. of Bengal, Revenue Department.

No. 86, dated 25th September 1837.

I AM directed by the Sudder Board of Revenue to acknowledge the receipt of your predecessor's letter No. 1469 of the 17th October last, forwarding copy of a letter* from the Supreme Government, relative to the expediency of enforcing the general observance of sections 12 to 15 of Regulation IX of 1833, and in compliance with the requisition contained therein to submit the following remarks.

2. After mature deliberation, the Board feel themselves constrained to differ in opinion with the Supreme Government regarding the advantages likely to result from giving effect to the provisions referred to, and they consider that the enforcement of the law above quoted would not only fail in attaining the end comtemplated, but be the source of much vexatious oppression to the people.

3. In the first place the Board desire me to remark that so long as the Collectors are burthened with the duties of the fauzdary, it will, in their opinion, be impossible for them duly to carry into effect the provisions of the law in question, and even were they relieved of those duties it is feared that but a few of the most zealous and intelligent would be moderately successful in attaining the object in view.

4. To the above difficulty would be added another, viz., that of examining and testing the accounts when received, and of ascertaining their authenticity, before they could be of any use. Measures for their safe custody, and to prevent their alteration or perversion, would be requisite, and to this end a separate record office and record-keeper would most probably be necessary, and constant care would be requisite to prevent their destruction by insects or other causes.

Note.—In Rajshahye upwards of 60,000 lakhiraj tasdads were found lately in a state of destruction, owing to damp, and being eaten up by insects from want of proper care.

5. In the next place the Board are of opinion that there will be always a great indisposition on the part of the zemindars to furnish these accounts; that they will be in fact but very partially delivered; that wherever they are delivered, it will generally be to serve some private end, and consequently that they can never be of the practical use which Mr. Macnaghten anticipates.

6. The Board apprehend that if an attempt were made to enforce the delivery of the accounts in question, it would give rise to great and grievous harassment of the people, terminating in total disappointment to the Government, and ultimately in an abandonment of the object.

7. The Board would further observe that whether from calamities of season, the operation of the resumption laws, or other causes, or perhaps from all united, the Government revenue is at present collected with great difficulty, while landed property as evidenced by the sale reports is greatly depreciated in value. In such circumstances it is matter of very grave consideration whether any measure having a tendency to embarrass the malgoozars and harass the cultivators should be at present adopted.

8. In conclusion, the Board remark that the opinions of a great majority of the Commissioners, so far as expressed in their return to the Board's circular, are opposed to the enforcement of the law under consideration.

W. LeB.—Reg. No. 11484C—112—29 12-94.

30

No. 423, dated Fort William, the 10th March 1840.

From—F. J. Halliday, Esq., Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Sudder Board of Revenue.

With reference to the correspondence which has already passed with the Board and to that noted on the margin, relative to the registry of mutations, I am directed by the Right Hon'ble the Governor of Bengal to forward the accompanying copy of a letter, and of its enclosures, from the Officiating Secretary to the Supreme Government, No. 88, dated the 20th January last, and to request that the Board will report their opinion as to whether the imposition of a fine for non-registry, leviable under a simple process, would not be likely to enforce registration sufficiently for all purposes.

From Secretary, Sudder Board of Revenue, No. 303, dated 6th June 1838, with enclosures.
To Secretary, Sudder Board of Revenue, No. 1182, dated 3rd July 1838.
From Secretary, Sudder Board of Revenue, No. 440, dated 7th August 1838.

2. On the subject of the enforcement of the provisions of Regulation IX of 1833, regarding the filing of accounts, His Lordship is of opinion that the measure should be carried into effect gradually, and district by district. The experiment may be first entered upon in the Province of Cuttack, and previous to extending its operation to other districts, the Board will be pleased to report upon its effect in Cuttack. The Board may at once, however, proceed to consult the Commissioners of Divisions as to the best manner of enforcing the law in their several jurisdictions, and His Lordship would wish to be informed of the result of any such references.

No. 88, dated Council Chamber, the 20th January 1840.

From—J. P. Grant, Esq., Officiating Secretary to the Government of India, Legislative Department,

To—The Secretary to the Government of Bengal.

I am directed by the Hon'ble the President in Council to communicate to you, for the information of the Hon'ble the Deputy Governor of Bengal, the following observations on the proposal for passing a new law for the registry of mutations, to which the correspondence noted in the margin relates.

Letter from Secretary to Government of Bengal, dated 14th August 1836, No. 1429, with enclosures.
Letter from Secretary to Government of Bengal, dated 26th December 1836, No. 2246, with enclosures.
Letter to Secretary to Government of Bengal, dated 19th March 1839, No. 111.
Letter from Secretary to Government of Bengal, dated 29th May 1839, No. 733, with enclosures.
Letter to Secretary to Government of Bengal, dated 10th June 1839, No. 240.
Letter from Secretary to Government of Bengal, dated 20th June 1839, No. 871, with enclosures.

2. His Honour in Council is not at present prepared to enforce the registry of mutations of property in the manner proposed by the Board, but he directs me to request that the Board may be consulted as to whether the imposition of a fine for non-registry, leviable under a simple process, would not be likely to enforce registration sufficiently for all purposes. He is of opinion that such a penalty would be more appropriate and less objectionable than the disability to recover rents due to unregistered proprietors, which the Board propose to substitute for the process laid down by existing regulations.

3. Section 25, Regulation XLVIII of 1793, renders persons liable to fine, who refuse to furnish information required by a Collector for keeping up the quinquennial registers. And section 21 Regulation VIII of 1800, imposes the same liability on persons omitting to give information of the acquisition of property. But as both laws require a report to Government through the Board, and an order from Government fixing the fine, before any fine for such neglect can be imposed, these penalties are practically inoperative. But if Collectors were, by a new law, authorized to impose and levy a limited fine for such neglect, subject to appeal to the superior authorities in the usual course, the President in Council is inclined to think that they would be armed with all the authority necessary for enforcing the registration laws, and that the keeping up of good registers would depend only on themselves.

4. The penalty which the Board propose to substitute for fine, viz., the loss of all legal power to collect rent due, has already been provided by sections 12 to 15, Regulation IX of 1833, for the neglect of a proprietor in keeping and furnishing regularly his accounts with his ryots and other tenants. Such a disqualification for such neglect is a peculiarly appropriate penalty, for the regular submission of accounts tends very materially to prevent the undue exaction or demand of rent; and as the accounts required must be prepared at any rate, no honest landlord, seeking only his due, can possibly have an object in concealing them. The Board, however, disapprove of this disqualification so strongly that by omitting for more than six years to prescribe the manner and time of furnishing the accounts, which they are required, by section 13 above cited, to prescribe, they have made the law inoperative, and they are of opinion that it should so remain. Under these circumstances there would seem an inconsistency in providing, as would be done by the draft Act recommended by the Board, this very same disqualification for neglect to register a mutation of property; for

which neglect such a disqualification does not seem a peculiarly appropriate penalty; inasmuch as the registry of a succession or purchase cannot tend much to prevent the undue exaction or demand of rent, though otherwise very useful.

5. Though the President in Council is averse to the imposition of this disqualification for neglect to register a mutation, as recommended, he is by no means convinced by the arguments of the Board that the law which imposes it for neglect to file village accounts is bad in principle, or that it ought not to be enforced in practice.

Letter to Officiating Secretary to Governor-General, North-Western Provinces, dated 18th March 1839.

Letter to Secretary to Governor-General, North-Western Provinces, dated 6th August 1839.

Letter from Secretary to Governor-General, North-Western Provinces, dated 30th November 1839, with enclosures.

Letter from Officiating Secretary to Governor-General, North-Western Provinces, dated 12th December 1839, with enclosures.

† See letter from Secretary to the Sudder Board of Revenue at Allahabad, dated 1st October 1839.

6. With advertence to this point, I am directed to request attention to the accompanying copies of correspondence as noted in the margin, showing how the law has been enforced in the North-Western Provinces, and with what advantage it has been attended. The Calcutta Board will observe, that in Benares a permanently-settled district, the effects of the law where duly enforced are reported to have been "highly beneficial."* These papers afford sufficient proof that all objections as to the practicability of enforcing the law are unfounded, and they appear to afford good evidence that the advantages which the Government of India, as well as the Government of Bengal, have all along anticipated from the law do really result from it wherever it is fairly enforced.

7. The advantages which the Government of India anticipate from the law were stated in Mr. Secretary Macnaghten's letter of the 25th of September 1837. The objections which the Calcutta Board had to urge to the arguments contained in that letter were made in their Secretary's letter of the 23rd of January 1838. By the orders of the Deputy Governor, conveyed in your reply of the 2nd of October 1838, those objections were examined one by one, their insufficiency was, in the opinion of His Honour in Council, clearly shown, and some misapprehensions of the nature of the law in question under which they had been conceived were explained. These arguments are still unanswered, but no steps towards enforcing the law of the nature suggested in the last paragraph of the Deputy Governor's orders have yet been taken. The Board's letter of the 8th of May 1839, which states that the instructions required by the law have never been issued by the Board, and that the present members of the Board coincide in the view taken by the members in 1837, makes no allusion to the arguments and explanations of the Bengal Government showing that view to be erroneous. The President in Council conceives the reasoning of His Honour the late Deputy Governor to be conclusive, but if anything were thought wanting to show that the objections are unfounded the experience of the North-Western Provinces would, he conceives, render further discussion useless.

8. Unless His Honour the Deputy Governor sees any reason against such a measure, the President in Council would request that the general question of the propriety of the law may now be considered as determined, and that the Calcutta Board may be instructed to take immediate measures for the enforcement of the law by preparing and issuing the necessary instructions. If His Honour should think it advisable to enforce the filing of accounts gradually, district by district, or province by province, the President in Council would not object to such a course, of the necessity of which His Honour is the best judge. But the President in Council would wish as little further delay as possible to take place in carrying fully into effect the intentions of the Legislature, and the instructions of the Executive Government, as conveyed in the last paragraph of your letter to the Board, dated the 2nd of October 1838.

No. 160, dated Fort William, the 18th March 1839.

From—F. Millett, Esq., Offg. Secretary to the Government of India, Legislative Department,

To—The Offg. Secretary to the Governor-General for the North-Western Provinces.

I am directed by the Hon'ble the President in Council to forward to you, to be laid before the Right Hon'ble the Governor-General of India, the accompanying copy of a letter addressed to the Secretary to the Government of Bengal, of this date, and to request that the Sudder Board of Revenue at Allahabad may be called upon for a similar report to that required from the Sudder Board at the Presidency.

No. 424, dated Fort William, the 6th August 1839.

From—J. P. Grant, Esq., Offg. Secretary to the Government of India, Legislative Department,

To—The Secretary to the Governor-General for the North-Western Provinces.

I am directed by the Hon'ble the President in Council to call your attention to my letter No. 160, dated the 18th March last, and to request that the Sudder Board of Revenue at Allahabad may be called upon to furnish the report therein required, with as little delay as possible

No. 1503, dated Camp Bur-kee Chowkee, the 20th November 1839.

From—F. Currie, Esq., Secretary to Governor-General, North-Western Provinces,
To—The Offg. Secretary to the Government of India, Legislative Department.

With reference to your letters noted in the margin, respecting the disqualification enacted against zemindars in section 14 of Regulation IX, 1833, with a view of enforcing the deposit of their village accounts in the district offices, I am directed to forward, for submission to the Vice-President in Council, the accompanying copy of a communication from the Secretary, Sudder Board of Revenue.

No. 180, dated 18th March last.
No. 426, dated 5th August last.

2. As connected with this subject, the Right Hon'ble the Governor-General desires me to annex copies of the Board's circular letters Nos. 20 and 25, dated respectively the 18th June and 30th July last.

No. 352, dated Allahabad, the 1st October 1839.

From—H. M. Elliott, Esq., Secretary to the Sudder Board of Revenue, North-Western Provinces,
To—The Secretary to the Governor-General, North-Western Provinces.

With reference to your letters of the 6th May and 6th September last, on the subject of the disqualification enacted against landholders in section 14, Regulation IX of 1833, with a view of enforcing the deposit of their village accounts in the pergunnah and zillah offices, I am directed by the Sudder Board of Revenue, North-Western Provinces, to communicate the following abstract of information on this subject, received from the local authorities, for the purpose of being laid before the Right Hon'ble the Governor-General.

Dehli Territory.

2. *Bhutty district.*—The putwaree system is still imperfect in this district, and the want of regularity has been brought to the notice of the Commissioner on various occasions. It is, however, expected that the arrangement will be completed in the course of a few years more.

3. The putwaree papers from many villages have been furnished for 1245 Fussily, and those for a larger number on account of 1246 Fussily are now under preparation. Reference has frequently been made to these documents in ascertaining the merits of claims or complaints, but no cases have been rejected under the rule laid down in section 14, Regulation IX of 1833.

4. *Panerpat.*—The disqualification for non-performance of the conditions prescribed in sections 12 and 13 of Regulation IX of 1833 has not, in any instance, been recorded in this district.

5. No cases have been rejected under the above rule. Putwaree papers are pretty regularly furnished, but in the decision of suits the attendance of putwarees is invariably required from a want of confidence in their records.

6. *Hissar.*—No revision of putwaree establishments has yet been attempted in this district.

7. *Dehli.*—In this district it appears that no effect has been produced from the disqualification enacted against landholders. It has not been customary to require the putwarees to deliver in their accounts, the institution of a summary suit is of rare occurrence, and the people are generally ignorant of the nature of such proceedings.

8. *Rhotuck.*—No summary suits instituted have yet been rejected under Regulation IX of 1833, sections 12 and 13, in this district. Putwaree papers are generally sent to the Collector's office for record, and occasional reference is made to them in the adjudication of suits.

9. *Goorgaon.*—In this district no case of disqualification has ever been pleaded or acted on. The putwaree papers have been regularly furnished, and found to be of great use.

10. It will be observed from the above information, for the several districts of the Dehli territory, that no case of disqualification under the provisions of section 14, Regulation IX of 1833, has yet arisen. The Commissioner reports that instructions were issued some time back to enforce the regular deposit of the village accounts, but they do not appear to have been strictly attended to.

Meerut Division.

11. *Dehra Doon.*—The provisions of section 14, Regulation IX of 1833, are not strictly applicable to this station. The accounts are of a peculiar description, and hitherto no reference to them has been considered necessary. No summary suits have been rejected under the rules in force.

12. *Seharunpore.*—The provisions of sections 12 and 13, Regulation IX of 1833, are not acted on in Seharunpore, owing to the revision of settlement not having been completed. The most constant attention has hitherto been given in making the settlement-record the basis of decision in summary suits of all descriptions, and for this reason the requisite degree of care has not been paid in keeping up the registry of putwaree papers. Instructions for the promulgation of the sections alluded to were issued in September 1837, but have been imperfectly obeyed.

13 *Moosuffernuggur.*—The revision of settlement in this district not having been completed, no effect has been produced by the provisions of sections 12, 13, and 14 of Regulation IX of 1833

14. *Meerut.*—Section 14, Regulation IX of 1833, has not been enforced in this district with sufficient severity to produce any material effect, only 33 cases having been rejected within the last two years. The Collector considers the incompetency of the putwarees to be the chief obstacle in the way of a more effectual application of the measure. The putwaree papers are generally referred to in the investigation of summary suits, and in order to ensure care in their preparation, the putwarees are invariably punished for producing incorrect or false papers.

15. *Boolundshuhur.*—The putwaree papers in this district have not hitherto been furnished with regularity, but reference is invariably made to them in disposing of summary suits If the papers are not filed in the prescribed period, the suit is rejected, as has occurred in several instances. Nothing decisive can at present be said of the effects of the enactment (section 14, Regulation IX of 1833), the number of suits prior and subsequent to its promulgation being nearly equal.

16. *Allyghur.*—The rules prescribed in sections 12, 13, and 14 of Regulatoin IX, 1833, have been fully carried into effect since 1242 Fussily in this district, and care is taken in selecting individuals to fill up vacancies in the putwaree department. It appears that the accounts are not regularly furnished, and reference is seldom made to them in the decision of summary suits Some suits, however, have been dismissed under the provisions of section 14 of the above Regulation, but the penalty not being generally known has been sparingly enforced.

17. It will be observed from the above notice of the different districts that the putwaree papers have not been regularly furnished in the Meerut Division nor always referred to in deciding suits.

Allahabad Division.

18. *Cawnpore.*—The putwaree papers in Cawnpore are not regularly furnished, nor is much attention paid to them in the decision of suits. In June 1838 a proclamation was issued, but it has not been generally attended to.

19. *Futtehpore.*—In Futtehpore the provisions of the Regulation appear to have been promulgated a few months after its receipt. The proclamation, however, had not the effect which was intended by the enactment. For the first five years suits have greatly decreased, the zemindars no doubt preferring to settle their claims privately rather than file their accounts as required by law. The accounts are generally filed in anticipation of a suit, and when they are not forthcoming the suits are rejected.

20. *Humeerpore.*—The Regulation was not promulgated here until 1836. In the month of December last, it was repealed with a warning that, in the event of the putwaree papers not being filed, suits would be rejected. The papers are now being deposited, but very slowly. No suits have been rejected under section 14.

21. *Bandu.*—The provisions of sections 12, 13, and 14 of Regulation IX, 1833, do not appear to have been put in force in this district, but orders have now been issued to give due effect to the enactment. Putwaree papers are invariably referred to in disposing of summary suits

22. *Allahabad.*—In 1832 the Collector of this district prohibited the zemindars from filing the half-yearly account, but his order has since been cancelled by the Commissioner. After the promulgation of Regulation IX of 1833, they were filed only by those zemindars who had recourse to suits.

23. The Commissioner of the Allahabad Division reports that orders have been issued for the revision of putwaree establishments, and that he will report the result hereafter.

Benares Division.

24. The Commissioner of the Benares Division states that where the law has been duly enforced, the effects of the Regulation have been highly beneficial. In the permanently-settled districts, except in Gazeepoor, the putwaree papers are regularly filed, and generally referred to in disposing of summary suits. The exception in Gazeepoor arose from a misunderstanding on the part of the Officiating Collector in 1838, in regard to the duty of enforcing the penalty for neglect, but the necessary remedy is now in course of application. In Azimghur, during the progress of the revised settlement, the putwaree papers were not regularly deposited, but they are now filed punctually, and always appealed to in the decision of summary suits. In Goruckpoor the rules seem not to have been rigidly enforced for want of specific rules of practice, but the deficiencies have been supplied in the new settlement records, to which reference is invariably made in the Summary Suits Department.

Kumaon.

25. The Commissioner of Kumaon states that the provisions of sections 12, 13, and 14 of Regulation IX of 1833 have not been enforced within his jurisdiction, the circumstances of which are peculiar.

26. The Board desire me to say that they will submit the report for the Agra and Rohilcund Divisions hereafter.

No. 123, dated Fort William, the 8th May 1849.

From—G. W. Plowden, Esq., Secretary to the Sudder Board of Revenue,

To—The Secretary to the Government of Bengal, Revenue Department.

With advertence to the correspondence with Government noted on the margin, relative to the experimental enforcement of the provisions of sections 12 to 15, Regulation IX of 1833 in the Province of Cuttack, I am directed by the Sudder Board of Revenue to submit herewith, in original, for the consideration of His Honour the Deputy Governor of Bengal a report on the working of the law, dated the 21st December last, No. 2159, from the Commissioner of the Division, with its enclosures, as well as two Minutes by the Members on the subject.

Government to Board, dated 10th March 1840, No. 422.
Board to Government, dated 25th March 1840, No. 282.
Board to Government, dated 18th July 1840, No. 369.
Government to Board, dated 4th August 1840, No. 1141.

2. For the better understanding of the subject, it is necessary briefly to revert to the most prominent points in its past history.

3. In January 1837 the Board issued a circular, in which they directed that the penalties laid down in section 14, Regulation IX of 1833, for neglect to file accounts, should not be enforced against zemindars till the issue of the rules enjoined by section 13, and in the meantime information was required as to the kind of agency existing for the purposes of the Regulation. The local returns having been received were submitted to Government on the 25th July, but without any expression of the sentiments of the Board on the general subject. This omission was noticed by the Supreme Government in a despatch to the Bengal Government of the 25th September, and on that occasion the Supreme Government pointed out some of the advantages likely to result from giving effect to the provisions of the law.

4. The Board, after maturely considering the subject in their reply of the 23rd January 1838, No. 32, stated their dissent from the views of the Supreme Government, considering the law ill-calculated to attain the object contemplated, and were sure to prove vexatious to the people if enforced; but the Bengal Government, concurring in those views, combated the reasonings of the Board in Mr. Secretary Halliday's letter of the 2nd October following (No. 1776), in which the Board were desired to reconsider the subject.

5. Here the matter remained in abeyance till the 16th April 1839, on which date the Bengal Government forwarded some remarks of the Supreme Government on a draft Act of a new registration law proposed by the Board, in which the enforcement of registry was provided for by a similar disqualification to that contained in section 14, Regulation IX of 1833, for the purpose of enforcing the deposit of village accounts; and before adopting the draft the Supreme Government desired to know whether the disqualification had been attended with good effects in the latter case before extending it to other objects. The Board, in their reply of the 8th May following, reported that the law of 1833 had remained a dead-letter, and took occasion to repeat their previously-expressed opinion as to its inefficacy for the purpose contemplated.

6. On the 10th March 1840 the subject was again resumed in connection with a case in which the Board had recommended the imposition of fines on certain landholders in Sylhet when the Bengal Government forwarded a further despatch from the Supreme Government, and directed that the sections of the law of 1833, which relate to the filing of accounts, should be gradually enforced, district by district, beginning with the Province of Cuttack, and the Board were required, previously to extending their operation to other places, to report on the effect produced in Cuttack.

7. The necessity for a report to Government was lost sight of till the Board's attention was attracted to the subject on a review of the Commissioner's index of correspondence for the last quarter of 1847-48. Finding how the case stood, the Board called on the Commissioner to report whether the prescribed accounts had been regularly filed by the zemindars, to what extent they had accumulated, whether they had ever or often been examined, how far they had been found correct, and what disadvantage would result were they no longer filed. To these enquiries the Commissioner's letter now submitted is a reply.

8. From the Minutes of the Members His Honour will perceive that the Board, as now constituted, are entirely of the same opinion on the subject with the Board of 1838, and they would recommend, for the reasons recorded in the Minutes, that section 16. Regulation XII of 1817, under which putwareez are required to file accounts, be rescinded, as well as the sections of Regulation IX of 1833 which require accounts to be furnished by zemindars.

MINUTES.

My time has been so much occupied with current business that only at intervals have I been able to consider the subject of this voluminous correspondence, which was laid before me on the 23rd ultimo. When my late colleague and myself called for the information which the Commissioner has submitted in his letter of the 25th December last, we did not know that the Government had actually ordered the enforcement of the objectionable sections of Regulation IX of 1833 in Cuttack, and expressed an apparent determination to enforce the law in the other districts of the Bengal Presidency, after a due trial had been given of it in Cuttack. My call above noted seems to have led to the discovery of the

real state of the fact. Not only would I not extend this law to the other districts of the Presidency, but if it rested with me I would not continue it in Cuttack, but would rescind the sections altogether. The reasons that seem to have convinced the Government of the usefulness of the law in question are to be found in the letters noted on the margin. The benefits that would result from the introduction of the law are stated in Mr. Secretary Macnaghten's letter, dated the 25th September 1837, and are as inserted in the margin. I would here respectfully point out that the first benefit is not in itself a separate one, but rather the enunciation of a state of things, from which certain advantages that are enumerated, are supposed to follow. Again, the fourth advantage seems to be included in the third, for whether the estates were purchased by Government or private individuals, the detection of collusive leases seems undoubtedly to be a part of the information required for making correct settlements. The ends, however, proposed to be attained, under Mr. Macnaghten's second and third advantages, are undoubtedly ends of great importance. The question is—will those ends be attained by the enforcement of the provisions of sections 12 to 15 of Regulation IX of 1833? The reasoning by which the affirmative of this question is maintained by the Government is to be found in Mr. Secretary Halliday's letter, dated the 2nd October 1838, and is in substance as follows. The law would secure the regular filing of accounts, for if zemindars neglected to do so, "they could not legally have recourse to any process, or adopt any measure to enforce payment of any rent whatever." If deposited, the check against too low accounts would be that the accounts deposited would be taken as proof against higher rents, if zemindars attempted to enforce these. On the other hand, the attempt at any future time to deposit accounts exhibiting higher rents would be foiled by the existence of the accounts of previous years, showing lower rents. I would here respectfully express my dissent from the soundness of this reasoning. First with respect to the guarantee furnished by the law, for the regular filing of the zemindars' accounts without reference to their correctness—It is founded on the assumption that the practice of suing for rent in the courts is so common and so necessary on the part of the zemindars' that they would submit to any alternative rather than be debarred from that privilege. Now, though I would not take away the power vested in zemindars by law of realizing their rents by summary process, I am nevertheless satisfied that, as a general rule, zemindars do not find it necessary to resort to the courts. Through their agents they collect without difficulty on their estates; and I have no hesitation in asserting that if this were not so, and that it was necessary to sue generally before rent could be realized, all the estates under the Bengal Presidency would very soon be brought to the hammer. If the cultivators of the land generally delayed the payment of their rents, until forced to pay by process of law, how could the zemindars possibly provide for the payment of their revenue by the days fixed for them to pay it according to the Sale Law? It follows from what I have written that the non-realization of their rents by the zemindars would by no means follow as a necessary consequence of their failing regularly to file their accounts. In our letter to the Commissioner of Cuttack, dated the 22nd of July last, we put the question whether the accounts had being regularly filed. The answer of Mr. Machier, in charge of the Cuttack Collectorship, and who seems to have prepared the return with more care than the other Collectors, shows that the accounts had not been filed in a complete form or regularly, the cases in which they had been filed in any shape extending only to 1,004* estates, and this, too, notwithstanding 251 instances of non-suit had occurred in consequence of recusancy. The other Collectors write loosely, as if the accounts had been regularly filed, but without a far more particular examination of the accounts filed and comparison of them with the estates on the rent-roll than the Collectors appear to have made. I should be very unwilling to guarantee the truth of their statements on this point. So much for the security of having accounts regularly filed by means of the law in question. But it is obvious that even if the accounts were regularly filed, the grand question remains—are these accounts to be relied on as true? The Government states that the check against too low accounts would be that the accounts deposited would be taken as proof against higher rents if zemindars attempted to enforce these. It is certainly not probable that zemindars would file accounts exhibiting lower rents than they demanded. Their practice, I believe, would be the very reverse of this. But supposing a zemindar sued a ryot for current arrears of rent, and for more than his current accounts as filed exhibited, on what ground could the Collector, in a summary suit, or the civil court in an appeal from the Collector's decision, refuse to investigate the plea put in by the zemindar that the true rent demandable was that laid in the suit, and not that stated in the accounts filed? The law does not enjoin the courts to accept the filed accounts as true, and the courts would be

Mr Secretary Mangles' letter, 17th October 1837, enclosing Mr Secretary Macnaghten's of 25th September preceding.

Mr Secretary Halliday's letter, 21st October 1838, enclosing Mr. Secretary Macnaghten's of 10th March 1840 with enclosures.

1st.—The having in the Collectors' offices the village accounts of every estate, the accuracy of which could not be disputed by the proprietors or farmers of the estates.

2nd.—Protection to the ryots and under-tenants of every estate against the exaction of higher rent than they had agreed to pay. This protection would be afforded by the village accounts being recorded as required for those accounts exhibiting the rent payable by every ryot or tenant according to express or implied agreement and they would guide the decision of all suits also rent instituted in the regular courts of justice as well as in the summary courts of the Collectors. If the accounts of any estate were not recorded as required in any year, the proprietor or farmer of the estate would be incompetent to enforce from his ryots payment of any rent whatever for that year.

3rd.—Facility in effecting buiwarras and in forming settlements from having access to the accounts of the estates under buiwarra or settlement not disputable by the proprietors of the estates.

4th.—Facility in determining what leases might justly be annulled as collusive by purchasers of estates sold by public auction for arrears of revenue.

* Total number of estates in zillah Cuttack, 2,216.

compelled in every case to try judicially the fact whether the one or the other account was the more entitled to credit. The best proof of this is to be found in the answers of some of the Collectors of the North-Western Provinces, as contained in the enclosures of Mr. Secretary Halliday's letter, dated the 10th March 1840. The accounts are represented in those answers as not being sufficiently trustworthy to obviate the necessity of referring to other sources of truth. It is surely possible that a zemindar's agent in the interior, or his servant at home, might make a mistake in the accounts filed. But in the next place what is to prevent the zemindar from filing from the first accounts exhibiting excessive rates? Why are we to suppose him guilty of the folly of first filing low accounts and afterwards high accounts, as is presumed by the Government, and by the perpetration of which folly alone is an effectual check believed to be imposed against the filing of accounts showing high rates? If the zemindar filed all along accounts too high (which in my opinion is greatly the more probable supposition), these accounts must either be accepted without enquiry to the shameful injury of the ryots, or they must be rejected, their utter uselessness as trustworthy documents being thus established. Even if accounts of a prior date showed lower rates than those filed subsequently, it would be impossible, on this ground alone, to reject the latter. It will be seen that these accounts have never been examined in the Cuttack Division. Mr. Dirom remarks that the canoongoe does not receive them if incorrect. To my mind the inevitable result of such a state of things must be that the canoongoe makes his own terms with the zemindars, and that the accounts filed, so far as they are good for anything, are all in favour of the zemindars and against the ryots. Mr. Mactier seems to think that the filing of these accounts does some good, but I confess I cannot see on what grounds he comes to this conclusion. He admits that they are only partially filed, and that the accounts so filed are incomplete, and that they have never been examined. He seems to think that if *all* the accounts now required to be sent in were filed, each would operate as a check on the correctness of the other. My conviction is that if rigid means were adopted to enforce such a rule, it would operate to deter many of those who now file accounts from filing them in future, and would not secure correctness in the accounts filed. Mr. Mactier shows how the zemindar now sets to works, when so inclined, to bring with success an excessive demand against a ryot; but he does not show how the proposed plan of forcing him to file a copy of the pottah granted to the ryot would prevent him from putting in a pottah containing a larger amount of rent than the one granted, thereby necessitating a careful judicial inquiry respecting the question which of the two pottahs was to be regarded as the genuine one, when a summary suit came to be instituted. Moreover, if it were true that zemindars filed correct accounts by being called on to do so, the inference would be that they were honest, and if so, why should not the accounts put in by them *when they sued* be accounted correct as well as the others. It is only upon the hypothesis that the zemindars are honest that we can assume the truth of the accounts filed, and if they were honest there would be no reason for calling on them to file those accounts. It thus appearing that the correctness of the zemindars' papers if filed under the provisions of sections 12 to 15 of Regulation IX of 1833 cannot be in the least relied on, and, without aiding the courts in protecting the ryots that the enforcement of the law serves only to vex and harass the zemindars, and to accumulate a mass of untrustworthy records, I need not say that I would not extend the provisions of such a law to other districts, but would rescind them altogether. With reference to the concluding paragraph of Mr. Secretary Macnaghten's letter, dated the 25th September 1837, it appears from the correspondence that took place between the late Commissioner of Patna and the Board that putwaree accounts have ceased to be filed since the enactment of Regulation IX of 1833. I can only say that in my opinion as little dependence is to be placed on the accuracy of putwaree accounts as in that of those required to be filed under Regulation IX of 1833, and I would not revive the practice of requiring putwaree accounts to be submitted, but would rescind the section of Regulation XII of 1817, which enjoins that practice.

The present state of this matter appears to be as follows:—

The Board reported their opinion to be against the enforcement of sections 12 and 15, Regulation IX of 1833. The Government differing with the Board, it was directed that the law should be carried into effect experimentally in Cuttack, and that the Commissioners of the other districts should be consulted as to the best manner of enforcing the law in their several jurisdictions.*

*See circular, 22nd April 1840, No. 18, page 138.

We have now before us the result of the experiment in Cuttack.

The Commissioner reports that the accounts appear on the whole to have been regularly filed; that they form an inconvenient addition to the bulk of the records; that their correctness has not been tested; that the law is very unpopular with the zemindars; that if not enforced in other parts of the country it is invidious enforcing it in Cuttack.

The reports of the Collectors are extremely inconclusive and unsatisfactory. Balasore says nothing disadvantageous to the interests of the zemindars or people would result from the discontinuance of the system; that the papers have never been examined; that there is nothing to prove their authenticity beyond the mere assertion of interested parties; that they are useless. Cuttack says the protection to the ryots afforded by the papers is threefold, but that to render the Regulation properly effective it must be altered. Pooree says the

system has worked well, the papers having been given in; that the papers have never been examined; that no inconvenience would be suffered were the system abandoned.

I say these letters are all most unsatisfactory, and it is clearly useless to make another call. The papers have been called for and filed, and I'll answer for it; a close examination would give the same result that an inquisition of my own, when Collector of Balasore many years ago, afforded. I found the papers for many years copied word for word, letter for letter. The ryots themselves all allowed they found in them no protection; on the contrary when imposition was purposed, it was effected by means of these papers. An increased quantity of land or an increased amount of jumma was quietly inserted in the papers for two or three successive years, during which time the old jumma was received from the unsuspecting ryot. Then came a summary suit, and reference to the papers filed. As mentioned by Mr. Mills, the late Commissioner of Cuttack, in his letter of the 1st July 1840, I forbid the filing of these papers in 1830.

But before proceeding further, it will be well to give a very brief analysis of the answers to the circular of the 22nd April 1840.

The Commissioner of Patna reports that the putwarees being compelled to furnish accounts once in six months, they are said usually to *fabricate them for the purpose*, and proposes that they should furnish ten detailed statements once a year.

The Collector of Sarun says the rights of the cultivators, the well-being of the estate, and the just decision of summary suits depend on the manner in which a putwaree performs the duties of his office, and the correctness of his papers; but that "*a perfect control* over the putwaree of *every* village is *indispensably necessary*. The Collector writes a long letter in favour of a putwaree system, but the few words quoted above are quite sufficient to neutralize all the rest of his letter, for *perfect* control over every putwaree of every village is simply impossible, there being in the district 6,043 villages for each of which a putwaree is required."

Another officer proposes that all putwarees should become the servants of the Government, and be paid a salary by the Government, to be provided by a tax on all proprietors.

Another officer, while he allows that in two districts of his division any attempt to introduce distinct putwarees for each village would be a failure—that if appointed they would in *no instance* file correct papers—still advocates the plan.

The Commissioner of Bhagulpore is "decidedly of opinion that the provisions of the law are just and wholesome;" but he "does not venture to make any remark on the best mode of securing a systematic registration."

The Officiating Commissioner of Jessore is of opinion the scheme may be carried out if Collectors will as strictly maintain the rights of the putwaree as the Magistrate does the right of the chowkidar.

In Bankoora the enforcement of the law will be attended with much difficulty.

The Collector of Jessore says if the appointment of putwarees be left to the zemindars, it will never take place. He proposes that an assessment should be imposed on the zemindars for the payment of putwarees; agrees with the Collectors of Nuddea and Bankoora that penalties will procure papers but he, does not say they will procure correct papers.

The Collector of Hooghly reports that Regulation XII of 1817 is a dead-letter; that measures of coercion would procure the papers; but doubts whether the Collectors' offices would hold them.

But it seems useless to pursue the analysis further. No advocate of the scheme propounds a useful practical method of procuring correct papers, while one officer, whose intimate acquaintance with the details of revenue management were then as generally acknowledged as his superior attainments have been since, writes: "It is an entire and absolute impossibility by any enactments that the wit of man can devise, and by all the vigilance which his energy can call into action, to render putwarees' papers in any one respect useful."

Seventeen years have elapsed since that letter was written. The wit of man is still trying to devise a method of making a man serve ten masters.

So stands the case at present. The Cuttack authorities do not show that any one advantage has been gained by carrying the enactment into effect in that province, while the zemindars have been harassed, and a mass of papers which nobody trusts have been accumulated. No reasonable expectation of advantage is held out by any one of the other officers consulted. The warmest advocate of the system himself shows the utter impracticability of carrying it out, for he says that every putwaree employed in preparing these papers must be actively controlled, and there are to be 6,043 putwarees employed in as many different places.

I have never in my experience found these papers any check, and I never have been able to understand how they could be.

The papers show the demand against each ryot, but the ryots have not agreed to the demand therein entered. Supposing a ryot to become acquainted with the fact of an increased demand being entered against his name, without he have a written engagement to produce, his remonstrance would not neutralize the entry, and with a written engagement he could not procure annulment of the entry without a trial. What protection have the papers afforded? He could have pleaded his written engagement under any circumstances, but had he not heard of the entry in the papers, and it had been repeated three or four successive years, his written engagement would have been but little worth against the putwarees' papers, and the evidence which zemindars can always bring when engaged in such cases with their ryots. In a word, an entry in the papers may strengthen an unjust claim and cannot weaken it.

Why a plan, which as between a master and his servants, between a builder and his journeymen, between a contractor and his sub-contractors, would be scouted, as protecting only the interests of the strong, finds favour here as the salvation of the weak--I have never been able to comprehend. Would a contractor's statement of the rates at which he purposed paying his sawyers be regarded as proof that the sawyers had no cause of complaint? Would a master's list of his establishment and its cost be admitted as proof that his servants were paid satisfying wages? Where is the difference with zemindars and ryots? The zemindar contracts with the Government; the ryots contract with him. Why should the zemindars' jummabundee papers, that is, his own statement of the obligations of his subordinates, and of his contract with them, protect the ryots when the builder's own statement would be regarded as merely supporting himself.

Could the papers be voluntarily signed by all concerned in the presence of an officer of the public, then they might thereafter, should disputes arise, be appealed to with some confidence. Prepared as they are, we might as well allow a zemindar to produce copy of a pottah given to a ryot as proof of the ryot's engagement.

The reasons for introducing the putwaree laws are related in section 62, Regulation VIII of 1793. The theory is plausible and attractive. A village officer in some measure independent of the zemindar is to keep the accounts of each village, so that by means of his papers the decision of suits in the courts between owners and farmers, and between farmers and ryots, should be facilitated, butwarra cases satisfactorily disposed of, and jumma allotted according to the principles of Regulation 1 of 1793; but it is clear from clause 4, section 23, Regulation VII of 1799, the preamble of Regulation XII of 1817, and the preamble of Regulation IX of 1833, and from the reports now received, that the complete execution of these laws has been found impracticable; though enforcement has been enjoined again and again, they have never been carried into more than partial effect.

Paragraph 6 of the orders of Government, dated the 20th January 1840, refers to the correspondence therewith forwarded, as showing that the law had been carried out and worked satisfactorily in Western India, but I find—

That in the *Delhi* territory the putwaree system is still imperfect.

That in *Panecput* the papers are pretty regularly furnished, but there is a want of confidence in the records.

That in *Hissar* no revision of putwaree establishments had been attempted.

That in *Rohtuk* the putwaree papers are generally sent.

That in Seharunpore the requisite degree of care has not been paid in keeping up the register of the putwarees; instructions were issued, but imperfectly obeyed.

That in Mozuffernugger the putwarees are incompotent.

That in Boolundshuhur the papers have not been furnished with regularity.

That in Allyghur the accounts are not regularly furnished, and reference is seldom made to them in the decision of summary suits.

That in Cawnpore they are not regularly furnished.

That in Futtehpoor they are only filed when suits are intended.

That in Humeerpoor they are being deposited, but very slowly.

That in Allahabad they are filed only by those who have recourse to suits.

That in Bareilly and Shahjehanpoor no papers have been furnished.

It is very wonderful that the Government should consider these returns as proof that the law may be easily enforced. What must have been the laxity of the superintendence! What the neglect of the division and district officers of a law easy of enforcement and pregnant with advantages was so incompletely carried out after 20 years from its enactment had elapsed! To my mind, reference being had to the general character of the revenue administration of the Western Provinces, these returns are proof that the law has not been and cannot be enforced.

Chittagong for instance.

But supposing enforcement of the law to be practicable, which I know for certain in some parts it is not, and supposing that the putwarees would not in all cases be the tools of the zemindars, it appears to me that the putwaree system is utterly inconsistent with the great principle which has now been so long recognized, and in other respects acted upon, that a right of ownership is vested in the zemindars. We have already stringent laws against exaction, and, if necessary, I would increase their stringency, but I would not neutralize all our efforts to induce confidence, to foster a feeling of ownership by proclaiming that no owner shall be allowed to keep his own accounts.

A periodical survey and settlement, ascertainment of prevalent rates of increase and decrease of particular articles of produce, of improvements in agriculture, of increase of population, of rate of wages, &c., &c., must have many advantages, but in the meantime I would leave all to manage in their own way (restrained of course by the existing, and, if necessary, further laws against exaction), for I am convinced that everywhere, especially in India, where our best motives are always doubted, non-interference would be the best policy, and most acceptable to all classes, and much more conducive to the general weal than the establishment of three lakhs and thirty thousand putwarees, which, according to the calculation of the Collector of Sarun, a warm advocate of the plan, would be about the number necessary to carry the law thoroughly into effect.

I agree in all my colleague has written, and when I find that Mr Pattle Mr Lowis Mr Davidson, Mr Tucker and Mr Halliday have all agreed in condemning the provisions of sections 9 to 12 of Regulation IX of 1813, I entertain hopes that the Government may at length be induced to desist from further endeavours to enforce observation of the rules In 1833, I wrote "I believe it to be impossible to frame a rule that will ensure the effectual operation of these laws" The opinion then expressed is confirmed by 17 years' experience I recommend that all the putwaree and canoongoe rules together with sections 9 to 12 Regulation IX of 1813, should be rescinded

H RICKETTS

The 29th March 1849

W LeB Reg No 10954C—100—17 12-34.

NOTE BY THE UNDER SECRETARY ON PUTWARIES AND CANOONGOES

I. *Putwaries.*—The first mention of these functionaries, as regards the Lower Provinces, is in Regulation VIII of 1793, now abolished, (?) in which putwaries are mentioned as having been contemplated in the original rules of the Decennial Settlement for every village, and by which they were required to attend, produce, and, if necessary, swear to the truth of their accounts.

The next mention of them is in Regulation XLIV of 1793, in which it is laid down that putwaries and other zemindary officers that may be required shall attend on the ameen deputed by the Board of Revenue to take charge of lands about to be sold, and shall furnish to them any accounts or information deemed necessary.

The next mention of them is in Regulation VII of 1799, where it is laid down that they shall furnish accounts in all cases of attachment for realization of rents.

The next is in Regulation IX of 1811, in which they are required to attest measurement papers in cases of divisions of estates.

The next is in Regulation XIX of 1814, where they are directed to attend with their accounts on the ameens appointed to settle the partitions of estates.

This last Regulation is applicable to both the Upper and Lower Provinces.

By Regulation XXIII of 1814, they are to give attestation that the processes of Munsifs' Courts have been duly served on witnesses residing in their village. In this Regulation they are mentioned only incidentally in connection with mundals and other headmen of the village.

This Regulation is equally applicable to the whole of the Bengal Presidency.

By Regulation II of 1816, lists of putwaries are to be kept by canoongoes, the office of which is by that Regulation *renewed* in Tirhoot and Behar.

They are similarly mentioned in connection with the same office of canoongoe in Regulation V of 1816, which establishes canoongoes in Cuttack

Regulation XII of 1817 declares in the preamble that the existing regulations for putwaries are very defective, and that owing to this cause great delay is experienced in the division of estates, in summary suits, in disputes as to boundaries, and in execution of decrees.

The whole Regulation is accordingly taken up with rules for the establishment of these officers in every village in the districts throughout the Upper and Lower Provinces, But it is allowed that the operations of the rules therein proposed for putwaries should be confined to those parts of the country where canoongoes are already established, or where arrangements are in force for the revival of the office. Rules for their appointment and removal are laid down, and penalties imposed on zemindars for neglecting to appoint them; provision is also made for the performance of their duties and the production of their accounts.

In short, the whole subject is fully treated and provided for in the above Regulation.

Regulation XIII of the same year extends the above Regulation to Midnapore and Hidgellee, which had previously been excluded.

Regulation I of 1818 extends the same putwarie rules (of Regulation XII of 1817) to the 24-Pergunnahs, Nuddea, Jessore, Dacca, and Backergunge, in which districts canoongoes apparently had been till then unknown.

Regulation I of 1819 extends these arrangements to every district of Bengal to which they had not till then been applied.

In this last regulation the Board are empowered to suspend the operation of these laws in Chittagong, Sylhet and in other parts of the country where "estates are of small extent."

In Regulation III of 1823, putwaries are held responsible for early information relative to suspicious characters.

In Regulation VII of 1822, amongst other duties, the Collectors are to register the names of putwaries with their allowances in case of revising or making settlements.

By Regulation VII of 1824, a penalty is attached to putwaries who neglect to give information of the illicit cultivation of the poppy.

The Regulations specially relative to putwaries in the Upper Provinces are as follow:—

In Regulation XXVII of 1795, elaborate rules are laid down for the appointment and the duties of these officers

But the sections which treat of them have been abolished by the subsequent law, XII of 1817, which consolidates previous enactments.

In Regulation V of 1800, which extends to Benares the provisions of VII of 1799 for attachment for rents due, it is laid down that putwaries shall be appointed by the landholders, and that they shall produce their accounts before the Collector whenever that officer may have occasion to attach crops, &c., for rent.

It is incidently mentioned here that proprietors of small estates, which they superintend in person, are not to be *required* to appoint putwaries.

In Regulation XXVII of 1803, which provides for the realization of revenue in the North-Western Provinces, it is similarly mentioned, as in the cases of Bengal and Benares, that Collectors are to cause the appointment of putwaries, and that putwaries are to produce accounts whenever crops are attached

In Regulation IX of 1805, it is incidentally mentioned that in Bundelcund the wages of the putwaries shall be paid by the ryots.

Besides those Regulations specially relating to the Upper Provinces, there are the later ones previously mentioned, which embrace both divisions of the Presidency.

The above disposes of putwaries; canoongoes are mentioned in the following Regulations:—

II. *Canoongoes*.—The earliest mention of the officers for Bengal, Behar and Orissa is in Regulation VIII of 1793, where it is laid down that their allowances, hitherto paid through the landholders, are to be added to the jumma and paid by the Collectors on the part of Government.

In Regulation II of 1795, specially made for Benares, there is mention of the canoongoes as having given in reports which served for the basis of a settlement. Apparently they were already in existence in that Province.

In Regulation VIII of 1800, which applies to the Lower Provinces and to the Province of Benares, it is stated that the office of mofussil canoongoe having been lately abolished, the records of such officers are to be made over to the Collectors.

In Regulation XXVII of 1803, which provides for the realization of the revenue in the Upper Provinces, it is stated that canoongoes are to attest *dustucks* issued for the realization of any kist, and the serving of a process, when the party on whom it is served either resists or absconds.

Regulation IV of 1808 states in the preamble that the office of canoongoe has been found, under certain restrictions, to have been of considerable use under the former Government of the North-Western Provinces, including Benares; and it then proceeds to lay down rules for the appointment of two canoongoes in every pergunnah of the above Provinces. All their duties and emoluments are in this Regulation stated at length

Regulation IX of 1811, passed to facilitate the division of estates (for Upper and Lower Provinces apparently), canoongoes are to attest the measurements made for such divisions.

Regulation II of 1816 revives the office of canoongoe in Shahabad, Tirhoot, Sarun and Behar, with special rules for the duties and the salaries attached to the office, because the said office had in former days been established in the Behar Province, had been subsequently suppressed, and being suppressed, had occasioned great inconvenience both in the collection of the revenue and in the administration of justice.

Regulation V of the same year extends the above rules to Cuttack, because the establishment of the office may reasonably be expected to facilitate the revision of the settlement, the collection of revenue, and the course of justice.

It is evident, from the preamble to this Regulation, that the office, *quoad* Cuttack, was altogether new

Regulation II of 1817 *re-establishes* the office of canoongoe generally throughout the remaining districts of Behar, not embraced by Regulation II of 1816.

Regulation XIII of 1817 *establishes* (for the first time to all appearance) canoongoes in Midnapore and Hidgillee.

Regulation I of 1819 similarly establishes them in 24-Pergunnahs, Nuddea, Jessore, Dacca and Backergunge.

In Regulation I of 1821 canoongoes are incidentally mentioned in connection with a Special Mofussil Commission appointed to investigate certain claims for land illegally disposed of by public sale, especially in Allahabad, Cawnpore, and Goruckpore Those officers are, with putwaries and others, to obey the authority of the Special Commission in question, as they would that of regular officers.

In Regulation VII of 1822, it is said that canoongoes may be deputed to investigate matters preparatory to a settlement by the Collector. They may also be employed to settle the jumma payable by different parties in putteedaree and byachara tenures, and they may be appointed arbitrators when suits are referred to arbitration

In the Sale Law (XI of 1822), canoongoes, or munsifs, or thanadars, are to attest the serving of the notice of sale on defaulting parties; and finally, by Regulation XIII of 1825, it is enacted that the lands held by canoongoes, which were resumable under Regulation II of 1816, should still be engaged by them subject to a certain assessment.

This Regulation applies to the whole of the Presidency.

This concludes the Regulations applicable to these officers.

The above relates to acts *previous* to Regulation IX of 1833.

Regulation IX of 1833 was intended to enforce the production of village accounts, and sections 12 to 15 inclusive of that enactment are accordingly taken up with provisions for the regular filing of these accounts, both in the Putwaries' and the Collectors' offices, and with prohibitions to the effect that zemindars who have not complied with the requisitions shall neither sue nor eject ryots.

Nothing appears to have been done to give this Regulation an immediate practical effect. In the year 1837, the attention of the Government of India was attracted to the subject by seeing a printed report of the Sudder Board of Revenue, and the Government of Bengal was accordingly requested to consider the question The Government of India then wrote as follows:—

"The provisions contained in sections 14 and 15, Regulation IX, 1833, seem to His Lordship in Council to be well calculated for the security of the ryot. The Right Hon'ble

the Governor will doubtless, should he concur in this view, adopt the requisite measures for giving due effect to these provisions, not only in Cuttack, but generally in all the provinces subject to the Bengal Presidency. The attention of His Lordship in Council has been attracted to this subject by observing that the operation of the said provisions has been suspended in favour of the Rajah of Tipperah in June last, as appears from a report of the proceedings of the Sudder Board, contained in the *Englishman* newspaper of the 22nd of February last. Should this report prove to be correct, the Right Hon'ble the Governor will probably deem it advisable to call for a particular statement of the grounds of the Board's proceedings"

The Government of Bengal accordingly wrote to the Board of Revenue on the 30th of June 1837, asking what progress had been made in carrying the law of 1833 into effect, and remarking that three years, granted to the Rajah of Tipperah to prepare the accounts in question, appeared too long a time

The Board, on the 25th of July following, submitted the replies of the local authorities to a circular issued by the Board on this subject

In this communication they submitted a letter from the Sudder Board at Allahabad, from which it appeared that no general instructions had as yet been issued to the North-Western Provinces, the putwaree accounts were then furnished according to the old forms, except in a few places where advance had been made in revision

The progress of the matter in the Bengal districts was described as little or nothing.

In every district but Purneah, the sections of the Regulation of 1833 were "not enforced," and only partially in Purneah itself.

On the 17th of October of the same year, the Government of India enquired, through the Government of Bengal, what would be the general effect of the Regulation if fully carried out, and the sentiments of the Government of India were then expressed as follows:—

"In reply, I am desired to observe that the Sudder Board do not appear to have furnished their sentiments on the question and to request that they may be called upon to report their opinion both as to what would be the general effect of the law in question, and the expediency of universally enforcing it.

"His Lordship in Council conceives that the following advantages might be expected to accrue from giving effect to the provisions referred to:—

"*1st*.—The having in the Collectors' offices the village accounts of every estate, the accuracy of which could not be disputed by the proprietors or farmers of the estates

"*2nd*.—Protection to the ryots and under-tenants of every estate against the exaction of higher rent than they had agreed to pay. This protection would be afforded by the village accounts being recorded as required, for those accounts exhibit the rent payable by every ryot or tenant according to express or implied agreement, and they would guide the decision of all suits about rent instituted in the regular courts of justice, as well as in the summary courts of the Collectors If the accounts of any estate were not recorded as required in any year, the proprietor or farmer of the estate would be incompetent to enforce from his ryots payment of any rent whatever for that year

"*3rd*.—Facility in effecting putwaras and in forming settlements, from having access to the accounts of the estates under putwara or settlement, not disputable by the proprietors of the estates

"*4th*.—Facility in determining what leases might justly be annulled as collusive by purchasers of estates sold by public auction for arrears of revenue.

"I am further desired to observe that all proprietors and farmers have or ought to have putwaries who keep the accounts of the rents payable, and the payments made by every ryot or tenant in every village included in their estates or farms; that Regulation XII of 1817 required copies of these accounts to be regularly recorded in the Collectors' offices; and consequently that no proprietor or farmer ought to be exempted from the operation of the provisions of sections 14 and 15 of Regulation IX of 1833, on the plea of not having had time to prepare the accounts required."

In reply, the Sudder Board, in a letter of the 23rd January 1838, gave their opinion against the enforcement of the law as follows:—

"After mature deliberation, the Board feel themselves constrained to differ in opinion with the Supreme Government regarding the advantages likely to result from giving effect to the provisions referred to, and they consider that the enforcement of the law above quoted would not only fail in attaining the end contemplated, but be the source of much vexatious oppression to the people

"In the first place, the Board desire me to remark that, so long as the Collectors are burdened with the duties of the foujdary, it will in their opinion be impossible for them duly to carry into effect the provisions of the law in question; and even were they relieved of those duties, it is feared that but a few of the most zealous and intelligent would be moderately successful in attaining the object in view.

"To the above difficulty would be added another, viz. that of examining and testing the accounts when received, and of ascertaining their authenticity before they could be of any use. Measures for their safe custody, and to prevent their alteration or perversion, would be requisite; and to this end a separate record office and record-keeper would most probably be necessary, and constant care would be requisite to prevent their destruction by insects or other causes.

NOTE. "In Rajshahye upwards of 60,000 lakhiraj tauliads were found lately in a state of destruction, owing to damp, and being eaten up by insects from want of proper care

"In the next place, the Board are of opinion that there will be always a great indisposition on the part of the zemindars to furnish these accounts; that they will be in fact but very partially delivered; that wherever they are delivered it will generally be to serve some private end, and consequently that they can never be of the practical use which, Mr. Macnaghten anticipates.

"The Board apprehend that, if an attempt were made to enfore the delivery of the accounts in question, it would give rise to great and grievous harassment of the people, terminating in total disappointment to the Government, and ultimately in an abandonment of the object.

"The Board would further observe that, whether from calamities of season, the operation of the resumption laws or other causes, or perhaps from all united, the Government revenue is at present collected with great difficulty, while landed property, as evidenced by the sale reports, is greatly depreciated in value. In such circumstances, it is matter of very grave consideration whether any measure having a tendency to embarrass the malgoozars and harass the cultivators should be at present adopted.

"In conclusion, the Board remark that the opinions of a great majority of the Commissioners, so far as expressed in their return to the Board's Circular, are opposed to the enforcement of the law under consideration."

The Governor of Bengal combated the above objections in the letter of Mr. Halliday of the 2nd October 1838:—

"The Board, in submitting their opinion, remark that it would be impossible for any Collector, burdened with foujdaree duties, to give effect to those provisions, and that few Collectors, even if relieved from foujdaree duties, would be successful in effecting the object in view.

"This opinion, His Honor observes, is founded on a misapprehension of the nature of the duties which the enforcement of the provisions would impose upon Collectors, and of the object to be attained by enforcing them. A Collector would have nothing to do but to grant a receipt for the accounts deposited in his office, and to cause a list or register of them to be kept in such form as might be prescribed The landholders might or might not deposit the accounts required, or the accounts deposited by them might or might not be true accounts. In either case the object in view would be attained by enforcing the provisions referred to.

"The main object of those provisions is the security of the ryots and under-tenants of landholders from undue exactions. By enforcing them, this object would be in great measure attained, although the accounts required were not deposited by the landholders, as in that case the latter could not legally have recourse to any process, or adopt any measure to enforce payment of any rent whatever. If the accounts required were deposited, and exhibited lower rents than the rents actually payable, the landholders could not by suit or otherwise enforce payment of higher rents than those exhibited in the accounts deposited. If, on the other hand, the accounts deposited in any year exhibited higher rents than the rents which the ryots had agreed to pay, the landholders could not by suit or otherwise enforce payment of higher rents than those exhibited in the accounts deposited *in preceding years*, unless they could produce written agreements executed by the ryots to pay the enhanced rents demanded.

"The Board's second agreement against the enforcement of the provisions in question is that there would be a great indisposition on the part of the landholders to furnish the accounts required; that the accounts would be only partially deliverd; that when delivered, it would be to serve some private end, and consequently they would never be of practical use.

"Indisposition on the part of landholders to conform to the provisions of a law intended to protect their ryots from undue exaction, is obviously an insufficient reason for not subjecting them to the disabilities incurred by not conforming to those provisions. The strict enforcement of the disabilities incurred would, His Honor conceives, in no very long time have the effect not only of overcoming indisposition on the part of the landholders to furnish the accounts required, but of inducing them, with a view to self-interest, to furnish true accounts, and then all the practical advantages mentioned in Mr. Macnaghten's letter of the 26th September 1837, as likely to be derived from the enforcement of the law in question, would be realized.

"Lastly, the Board state that an attempt to enforce the delivery of the accounts required would have a tendency to embarrass the landholders and to harass their ryots.

"On this objection His Honor remarks that by Regulation XII of 1817, as well as by the Regulation in question, all landholders are required to cause to be kept regular accounts of the rents payable, and of the payment made by their ryots and tenants; that for their own satisfaction they would in all probability cause such accounts to be kept, even were there no law which required them to do so, and that it is difficult to perceive how either the keeping of the accounts or the depositing of them in the Collector's office could have the effect of harassing the ryots It is equally difficult to perceive how the landholders could be embarrased by having accounts to refer to, showing the rent payable and the amount paid by each of their ryots. So far from such accounts having a tendency to embarrass, they would obviously assist the landholders in realizing their rents. The enforcement of the law would no doubt be a great check to their exacting more than their dues from the ryots. In no other way that His Honor can imagine would it embarrass them.

"From the extract on the margin from their Secretary's letter, dated the 20th July last on the subject of granting Government pottahs to the ryots of mehals under settlement, the Board would seem to have altered their opinion in regard to the provisions referred to.

"To none of the objections urged against pottahs is the plan for the protection of the tenantry prescribed by sections 12 to 15, Regulation IX, 1833, obnoxious. That law proceeds upon the sound principle of protecting the weaker party, by obliging the stronger party to register the amount of his demand, a scheme which, if carried out, would probably be effectual to that end in all districts at least where the zemindars are liable to periodical assessment, and have an interest in not overrating their rental."

"His Honour would wish therefore the substance of this letter to be communicated to the Board, with a request that, should they now think the provisions in question should be enforced, they will consider what directions it will be necessary to issue to the revenue and judicial authorities to ensure full effect being given to them, and report to Government their opinion on that point."

On the 10th of April 1839 the Government of India again called on, the Sudder Board of Revenue, through the Government of Bengal, for a report on the working of the law in question.

To this the Board replied on the 8th May that the instructions contemplated in section 13 of Regulation IX of 1833 had never been issued; that the law in consequence had remained a dead letter, and that the Board continued of the same opinion as before, viz. that the law was entirely inexpedient.

On the 20th January 1840, the Government of India, while commenting on a proposal for the enactment of a new law for the registry of mutations, remarked as follows on the present subject:—

"The penalty which the Board propose to substitute for fine, viz. the loss of all legal power to collect rent due, has already been provided by sections 12 to 15, Regulation IX of 1833, for the neglect of a proprietor in keeping and furnishing regularly his accounts with his ryots and other tenants. Such a disqualification for such neglect is a peculiarly appropriate penalty, for the regular submission of accounts tends very materially to prevent the undue exaction or demand of rent; and as the accounts required must be prepared at any rate, no landlord, seeking only his due, can possibly have an object in concealing them. The Board, however, disapprove of this disqualification so strongly, that by omitting for more than six years to prescribe the manner and time of furnishing the accounts which they are required by section 13 above cited to prescribe, they have made the law inoperative; and they are of opinion that it should so remain. Under these circumstances, there would seem an inconsistency in providing, as would be done by the draft Act recommended by the Board, this very same disqualification for neglect to register a mutation of property, for which neglect such a disqualification does not seem a peculiarly appropriate penalty; inasmuch as the registry of a succession or purchase cannot tend much to prevent the undue exaction or demand of rent, though otherwise very useful.

"Though the President in Council is averse to the imposition of this disqualification for neglect to register a mutation as recommended, he is by no means convinced by the arguments of the Board that the law which imposes it for neglect to file village accounts is bad in principle, or that it ought not to be enforced in practice.

"With advertence to this point, I am directed to request attention to the accompanying copies of correspondence as noted in the margin, showing how the law has been enforced in the North-Western Provinces, and with what advantage it has been attended. The Calcutta Board will observe that in Benares, a permanently settled district, the effects of the law, where duly enforced, are reported to have been 'highly beneficial.'* These papers afford sufficient proof that all objections as to the practicability of enforcing the law are unfounded, and they appear to afford good evidence that the advantages which the Government of India as well as the Government of Bengal have all along anticipated from the law do really result from it wherever it is fairly enforced.

Letter to Officiating Secretary to Governor-General, North-Western Provinces, dated 18th March 1839.
Letter to Secretary to Governor-General, North-Western Provinces, dated 5th August 1839.
Letter from Secretary to Governor-General, North-Western Provinces, dated 20th November 1839, with enclosure.
Letter from Officiating Secretary to Governor-General, North-Western Provinces, dated 12th December 1839, with enclosure.

* See letter from Secretary to the Sudder Board of Revenue of Allahabad, dated 1st October 1839.

"The advantages which the Government of India anticipate from the law were stated in Mr Secretary Macnaghten's letter of the 25th of September 1837. The objections which the Calcutta Board had to urge to the arguments contained in that letter were made in their Secretary's letter of the 23rd of January 1838. By the orders of the Deputy Governor, conveyed in your reply of the 2nd of October 1838, those objections were examined one by one, their insufficiency was, in the opinion of His Honor in Council, clearly shown, and some misapprehensions of the nature of the law in question under which they had been conceived were explained. These arguments are still unanswered, but no steps towards enforcing the law of the nature suggested in the last paragraph of the Deputy Governor's orders have yet been taken. The Board's letter of the 8th of May 1839, which states that the instructions required by the law have never been issued by the Board, and that the present Members of the Board coincide in the view taken by the members in 1837, makes no allusion to the arguments and explanations of the Bengal Government showing that view to be erroneous. The President in Council conceives the reasoning of His Honor the late Deputy Governor to be conclusive; but if anything were thought wanting to show that the objections are unfounded, the experience of the North-Western Provinces would, he conceives, render futher discussion useless.

"Unless His Honor the Deputy Governor see any reason against such a measure, the President in Council would request that the general question of the propriety of the law may now be considered as determined, and that the Calcutta Board may be instructed to take immediate measures for the enforcement of the law by preparing and issuing the necessary instructions. If His Honor should think it advisable to enforce the filing of accounts gradually, district by district, or province by province, the President in Council would not object to such a course, of the necessity of which His Honor is the best judge. But the President in Council would wish as little further delay as possible to take place in carrying fully into effect the intentions of the Legislature, and the instructions of the Executive Government, as conveyed in the last paragraph of your letter to the Board, dated the 2nd of October 1838."

Together with this letter were sent the returns from the North-Western Provinces, showing how the scheme had been practically carried into effect in those Provinces. The following extracts from those returns will show considerable diversity in the different districts:—

Delhi Territory.

"*Bhutty District*—The putwaree system is still imperfect in this district, and the want of regularity has been brought to the notice of the Commissioner on various occasions. It is, however, expected that the arrangement will be completed in the course of a few years more.

"The putwaree papers from many villages have been furnished for 1245 Fussily, and those for a larger number on account of 1246 Fussily are now under preparation. Reference has frequently been made to these documents in ascertaining the merits of claims or complaints, but no cases have been rejected under the rule laid down in section 14, Regulation IX of 1833.

"*Paneeput.*—The disqualification for non-performance of the conditions prescribed in sections 12 and 13 of Regulation IX of 1833 has not in any instance been recorded in this district.

"No cases have been rejected under the above rule. Putwaree papers are pretty regularly furnished, but in the decision of suits the attendance of putwarees is invariably required from a want of confidence in their records.

"*Hissar.*—No revision of putwaree establishments has yet been attempted in this district.

"*Dehlee.*—In this district it appears that no effect has been produced from the disqualification enacted against landholders. It has not been customary to require the putwaree to deliver in their accounts. The institution of a summary suit is of rare occurrence, and the people are generally ignorant of the nature of such proceedings

"*Rhotuck.*—No summary suits instituted have yet been rejected under Regulation IX of 1833, sections 12 and 13, in this district. Putwaree papers are generally sent to the Collector's Office for record, and occasional reference is made to them in the adjudication of suits.

"*Goorgaon.*—In this district no case of disqualification has ever been pleaded or acted on. The putwaree papers have been regularly furnished and found to be of great use.

"It will be observed from the above information for the several districts of the Dehlee territory that no case of disqualification under the provisions of section 14, Regulation IX of 1833 has yet arisen. The Commissioner reports that instructions were issued some time back to enforce the regular deposit of the village accounts, but they do not appear to have been strictly attended to."

Meerut Division.

"*Dehra Doon.*—The provisions of section 14, Regulation IX of 1833, are not strictly applicable to this station. The accounts are of a peculiar description, and hitherto no reference to them has been considered necessary. No summary suits have been rejected under the rules in force.

"*Seharunpore.*—The provisions of sections 12 and 13, Regulation IX of 1833, are not acted on in Seharunpore owing to the revision of settlement not having been completed. The most constant attention has hitherto been given in making the settlement to record the basis of decision in summary suits of all descriptions, and for this record the requisite degree of care has not been paid in keeping up the registry of putwaree papers. Instructions for the promulgation of the sections alluded to were issued in September 1837, but have been imperfectly obeyed.

"*Mozuffernuggur.*—The revised settlement in this district not having been completed, no effect has been produced by the provisions of sections 12, 13, 14 of Regulation IX of 1833.

"*Meerut*—Section 14, Regulation IX of 1833, has not been enforced in this district with sufficient severity to produce any material effect, only 33 cases having been rejected within the last two years. The Collector considers the incompetency of the putwaries to be the chief obstacle in the way of a more effectual application of the measure. The putwaree papers are generally referred to in the investigation of summary suits; and in order to ensure care in their preparation, the putwaries are invariably punished for producing incorrector or false papers.

"*Boolundshuhur*.—The putwaree papers in this district have not hitherto been furnished with regularity, but reference is invariably made to them in disposing of summary suits If the papers are not filed in the prescribed period, the suit is rejected, as has occurred in several instances. Nothing decisive can at present be said of the effects of the enactment (section 14, Regulation IX of 1833). the number of suits prior and subsequent to its promulgation being nearly equal.

"*Allyghur*.—The rules prescribed in sections 12, 13, 14 of Regulation IX of 1833 have been fully carried into effect since 1242 Fusly in this district, and care is taken in selecting individuals to fill up vacancies in the putwaree department. It appears that the accounts are not regularly furnished, and reference is seldom made to them in the decision of summary suits. Some suits, however, have been dismissed under the provisions of section 14 of the above Regulation, but the penalty not being generally known, has been sparingly enforced.

"It will be observed from the above notice of the different districts that the putwaree papers have not been regularly furnished in the Meerut Division, nor always referred to in deciding suits."

Allahabad Division.

"*Cawnpore*.—The putwaries' papers in Cawnpore are not regularly furnished, nor is much attention paid to them in the decision of suits. In June 1838 a proclamation was issued, but it has not been generally attended to.

"*Futtehpore*.—In Futtehpore the provisions of the Regulation appear to have been promulgated a few months after its receipt. The proclamation, however, had not the effect which was intended by the enactment. For the first five years suits have greatly decreased, the zemindars no doubt preferring to settle their claims privately rather than file their accounts as required by law. The accounts are generally filed in anticipation of a suit, and when they are not forthcoming the suits are rejected.

"*Humeerpore*.—The Regulation was not promulgated here until 1836. In the month of December last it was repealed, with a warning that, in the event of the putwaree papers not being filed, suits would be rejected. The papers are now being deposited, but very slowly. No suits have been rejected under section 14.

"*Banda*.—The provisions of sections 12, 13, 14 of Regulation IX, 1833, do not appear to have been put in force in this district, but orders have now been issued to give due effect to the enactment. Putwaree papers are invariably referred to in disposing of summary suits.

"*Allahabad*.—In 1832 the Collector of this district prohibited the zemindrs from filing the half-yearly account, but his order has since been cancelled by the Commissioner. After the promulgation of Regulation IX of 1833, they were filed only by those zemindars who had recourse to suits.

"The Commissioner of the Allahabad Division reports that orders have been issued for the revision of putwaree establishments, and that he will report the result hereafter."

Benares Division.

"The Commissioner of the Benares Division states that, where the law has been duly enforced, the effects of the Regulation have been highly beneficial. In the permanently settled districts, except in Gazeepore, the putwari papers are regularly filed and generally referred to in disposing of summary suits. The exception in Gazeepore arose from misunderstanding on the part of the Officiating Collector in 1838 in regard to the duty of enforcing the penalty for neglect, but the necessary remedy is now in course of application. In Azimghur, during the progress of the revised settlement, the putwaree papers were not regularly deposited; but they are now filed punctually and always appealed to the decision of summary suits. In Goruckpore the rules seem not to have been rigidly enforced for want of specific rules of practice, but the deficiencies have been supplied in the new settlement records, to which reference is invariably made in the Summary Suit Department."

Kumaon.

"The Commissioner of Kumaon states that the provisions of sections 12, 13 and 14 of Regulation IX of 1833 have not been enforced within his jurisdiction, the circumstances of which are peculiar.

"The Board desire me to say that they will submit the report for the Agra and Rohilcund Divisions hereafter."

Rohilcund Division.

"*Bijnour. Moradad*.—No summary suits have been rejected in these districts from irregularity in depositing the village accounts. Till lately, the opinion prevailed that the provisions of the Regulation were not to come into operation till the completion of the settlement, and the putwaree papers were consequently not so regularly furnished as they should have been, but measures have been taken to have the law on the subject duly explained, and the accounts are now regularly deposited.

"*Budaon*.—Eight cases have been dismissed in this district since the Regulation has been in force, owing to the failure of the parties to deposit their village accounts A rule has been laid down that the accounts of the kharee f crop shall be forwarded to the Collector's

office by the month of Phagoon or February, and those of the rubbee by the month of Sawan or July, and no suit will be received after these periods unless the delay can be satisfactorily explained.

"*Pillibheet.*—The putwaree papers in this district are regularly filed at the end of each year without recourse to the enactments referred to.

"*Bareilly. Shajehanpore.*—No putwaree papers have been filed in these districts, but the requisite instructions have been issued to have the enactments of the Regulation referred to enforced in future."

Agra Division.

Mutra, Agra, Farrackabad, Mynpooree, Etawa.—In Mutra, Mynpooree, Etawa, Agra and Farrackabad, the patwaree papers have been regulary deposited, but it does not appear that, except in the two latter districts, any cases have been dismissed on account of irregularity in filing the accounts."

When the letter from the Government of India of the 20th of January 1840 was communicated to the Sudder Board of Revenue (dated 10th March), orders were at the same time given that the provisions of IX of 1833 should be gradually carried into effect, and that Cuttack should be the first district selected for the experiment.

The Board were directed to consult the Commissioners and report on the best manner of enforcing the law in other divisions.

The Board, in acknowledging the above letter, wrote as follows :—

"The Board consider the arrangements proposed by Mr. Mills well calculated to carry into effect the above orders of Government; they are indeed already partially in force in the province of Cuttack. They object, however, to the penalty by which the Commissioner says the call on the zemindars for their papers is enforced. It appears to the Board that the only legal penalty is that prescribed in section 14 of the Regulation above quoted; and that the penal sections* of Regulation XII of 1817 are not applicable to the case. Section 31 expressly refers to cases not provided for in any other Regulation in force."

* Sections 11 and 31, 32.

And the suggestions of Mr. Mills, above alluded to, are comprised in the following extract of his letter to the Sudder Board :—

"*Khoordah.*—The zemindars have been required to furnish the undermentioned papers in this district, viz. a bhean and jama-wasil-bakee and an annual list of patwaries.

"The Collector is not aware that any improvement can be suggested; these papers show the precise distinction of land held by each ryot, and the amount of his payment and balance.

"*Cuttack.*—The same accounts with the addition of a pottah talika, are kept in this district, and the Officiating Collector reports that no improvement appears to be called for. My predecessor, Mr. Ricketts, being extremely opposed to the putwaree system, directed that the practise of calling on the zemindars to give in, through their putwaries, the above accounts, should be discontinued. Finding that these papers were of essential and indispensable use in making settlements, and that their value was greatly increased by being given in at the close of every year instead of in a lump for the past years at the time of settlement, when they were generally fabricated for the purpose, I desired the Collectors to demand, as heretofore was the custom, from the zemindars whose estates had not come *under settlement*, the village account once a year, viz at the commencement of the new Umlee year for the year proceding; these papers are deposited in the office of the pergunnah canoongo.

"*Balasore.*—The papers given in to the Balasore office are similar to the Cuttack accounts. Mr Ricketts forbid their being filed by the zemindars, as Collector of Balasore, so far back as 1830. They are now given in for unsettled estates, as in Pooree and Balasore, according to my orders.

"The papers must be regularly called for once a year, and if care be taken that they are regularly given in, and are not prepared at the spur of the moment for a particular purpose, I am satisfied that, after a revision of the settlement of the district under Regulation VII of 1822, the putwaries' papers will be found of essential service in the adjustment of all suits regarding the possession of land, in settling boundary disputes, in the operation of distraint, the decision of summary suits, and lastly, in the formation of the next settlement, fraudulent omissions (as the putwaries are the servants of zemindar), as regard the sources of the zemindar's private gains, will be of course discovered, but the demand of the tenant and the quantum of payment are invariably to be ascertained from them; it is by explaining these papers to the cultivator, and comparing them with his documents, that the actual payments of each ryot, and the quantity of land he tills (the true basis of assessment), can be proved.

"The papers too are found of great use, in an unsettled province like Cuttack, in carrying into effect the process of attachment for the realization of the Government revenue, and making enquiries in case of injury done to the crops by inundation or drought.

"The call for these papers is enforced in the following manner :—

"The zemindars are called on by proclamation to give in their papers by a fixed date; on its expiration a tullah chittee is served on those who have evaded the call, and if that be not attended to, is followed up forthwith with a daily fine under Regulation XII of 1817, increasing until the papers required shall be produced.

"The course of proceeding, I imagine is legal, and is not barred by the additional penalties contained in sections 14 and 15 of Regulation IX of 1833. The disabilities attaching to landholders by the above section, who may refuse or neglect to conform to the rules of sections 12 and 13, would be entirely inoperative in Cuttack, for this simple reason, that suits of this description therein referred to are comparatively few

"I recommend that the accounts be kept according to the accompanying two forms of the Pooree Collectorate, the pottah talika used in Cuttack and Balasore may be dispensed with as a superfluity and the zemindars be required to furnish the papers on the 1st of November of every year, for the preceding Umlee year"

These proposals were approved by Government on the 4th August, but it was then stated that the penalty by which the Commissioner proposed to enforce his call, though strictly legal, should not be imposed

The above appears to be the last correspondence on the subject Nothing further was said or done until the Board in 1848, remarked that no returns had been made by the Commissioners to the replies called for several years before The attention of the local authorities was drawn to the subject, and the result is the present reference

The Board remain of the same opinion as before, as will be seen by their separate minutes which, though agreeing in opinion, they have deemed it right to submit

The Board recommend the discontinuance of the operation of portions of Regulation XII of 1817 (section 16), and of sections 12 to 15 inclusive of Regulation IX of 1833

The intention of the law was to give security to the ryot against illegal exactions on the part of the zemindar But the Board, who have never varied in opinion on the subject, contend that it harasses the zemindar by compelling him to furnish voluminous accounts, and that it loads the collectorate with a mass of useless documents, while it fails in return to give any adequate security to the cultivator

The impression left by the whole correspondence, taken in connection with the light afforded by the different Regulations, is that the selection of Cuttack for the first experiment was unfortunate

Canoongoes and putwaries do not appear to have been known in Lower Bengal or in Orissa under the native Government, or in the early period of the British rule

The intricate divisions of estates, with the endless multiplication of under-tenures, renders it almost vain to hope that zemindars in Lower Bengal will ever furnish these accounts generally, or with punctuality

The reasons against any further trial are fully given in the Board's Minutes

But it is a question whether the experiment might not have succeeded better in a district of Behar, where canoongoes formerly did exist and where the estates are occasionally of very large size and held by influential proprietors, such as the Rajah of Bettiah, from whose exactions the practical working of these laws would give the ryot no small relief

From Mr Ricketts' Minute it would seem that the experiment, if tried in Bhagulpore, Sarun, Tirhoot, or Patna might have been attended with a more satisfactory result

A question for consideration may be whether the Board shall be directed to cause any trials to be made in some of the Behar districts, which they could be requested to select

But the whole question may properly be submitted to the Government of India

The 5th July 1849 W Seton-Karr

To this note by the Under Secretary, which will afford His Honor a clear view of the law, and of the discussions to which it has given rise I would add one remark The harassment to zemindars from having to file these accounts begins and ends with causing the copies that are to be filed to be copied They must keep the accounts in question, whether a law for filing copies exists or not There is no estate without a rent-roll, no paying of rent without keeping an account of payments In every part of India, I believe, an account is kept with every ryot in a most complete form The hardship of having to file a copy is not easy to see It may or may not be necessary, but it can hardly be much of a hardship And as to the ill use to which it is supposed the zemindar may put these accounts, it seems enough to say that they are evidence against him, but cannot be evidence in his favour against a ryot, *unless proved*

J P Grant

I quite agree with Mr Grant in the above remark

The 14th August 1849 H H Leiter

This note by Mr Seton-Karr will explain the case to His Honor

As the orders which the Board of Revenue think ought to be rescinded emanated from India, and as they recommend the repeal of a law which applies to the North-Western Provinces as well as to the Lower Provinces, it will be necessary to submit the case to the Government of India

Perhaps it will suffice to send up Mr. Seton-Karr's note as a full exposition of the case, without committing the Bengal Government to an opinion, as the case is one that must be fully considered and determined upon by the President in Council. But this His Honor will determine after reading of the paper.

The 13th August 1849. J. P. GRANT.

IN my opinion, it will be very desirable to send up Mr. Seton-Karr's note to the Government of India. It is clear, distinct, and fully explanatory of the case.

The 14th August 1849. H. H. LAITER.

W. J.—Reg. No. 18100C—112—3-1-85.

No. 923, dated Fort William, the 13th November 1850.

From—J. Thornton, Esq., Secretary to the Government of the North-Western Provinces,

To—The Secretary to the Government of India, Revenue Department.

I am directed to acknowledge the receipt of your letter No. 587, dated the 20th September last, with its enclosures, requesting the Lieutenant-Governor's opinion on the proposal of the Sudder Board of Revenue at Calcutta to rescind the existing laws which require the filing of village accounts by putwaris and zemindars.

2. The Lieutenant-Governor is not able to form a conclusive opinion upon this subject as regards Bengal, but he entertains no doubts upon it so far as it relates to the provinces within his own jurisdiction. He thinks that the laws alluded to should remain in force within those provinces, and that every effort should continue to be made to carry their provisions fully into effect.

3. It is no doubt a work of considerable labour and difficulty to obtain and keep up a correct record of rents throughout the country, in place of the uniformly fictitious accounts which used to be filed before the revision of settlement. But the difficulties attending the undertaking are most felt at its commencement, and it may be confidently hoped that, with the machinery here available, they will all be eventually overcome

4. Every estate in the North-Western Provinces has now its recorded putwari who, though still the servant of the zemindar, is brought into constant and close communication with the officers of Government In each pergunnah there are one or more canoongoes whose long connection with the estates contained in it renders them intimately acquainted with the affairs of each, while all their proceedings are superintended by an able and respectable officer in the post of tehsildar. At the head of each district, again, are a Collector and his covenanted Deputy, one or both of whom have almost always had some training in settlement work, and these are assisted by the uncovenanted Deputy Collectors, of whom nearly all have gathered instruction in the same school. With such establishments as these, no information, which is required for the purposes of Government and for the good of the people, should be long out of our reach, and no important duty should be abandoned on account of the labour and attention which it involves

5. In the papers which accompanied your letter under acknowledgment, reference is made to returns made by the Collectors of the several districts under the Agra Government in the year 1839, showing the progress which had then been made in carrying out the new system of village accounts. The system had then only been in operation for five years, the settlement was incomplete, and it is not surprising that the annual papers had not then been obtained with much regularity, or that the penalty for failing to furnish them had not been often enforced. The annexed statement, which has been compiled from the separate returns transmitted to Government by the Agra Board for the last three years, will show that a very different state of things now exists in this respect, and that the required accounts are now filed with great punctuality. The only exception is in the Delhi Division, which has only lately been brought fully within the scope of the General Regulations.

6. It is, doubtless, less easy to determine whether the accounts thus given in are really correct and trustworthy. The rules which have been promulgated for those Provinces under section 13, Regulation XI of 1833,* direct that the first jummabundi which is to serve as the basis for the subsequent series of annual papers shall be required from the landholders after the settlement has been made with them for a period of 20 or 30 years, and when it may be supposed that they have small inducement to understate their rent-roll. As a precaution, on the other hand, against over-statement in this respect, the rules direct that the jummabundi given in by the zemindars shall be publicly notified in the village, and that any objections which may be made to it shall be heard and judicially decided before the document is finally received. Many such objections were accordingly made and investigated after the settlement, and they were doubtless disposed of with much greater ease than if they had come up at any other time as isolated cases, when the passions of the parties has been raised, and more time and scope had been given for the production of false evidence. This check on the zemindar's first schedule of rents appears to have been overlooked in the minutes of the Members of the Calcutta Board of Revenue which accompanied your letter, but it forms an important feature in the entire arrangement.

* *See* Sudder Board of Revenue printed Circular No 1, regarding Settlements, Section VIII

See Sudder Board of Revenue printed Circular No 111, regarding Records and Registration, Sections VIII and IX

Directions for Settlement Officers promulgated by the Honorable Lieutenant Governor, paragraph 168

Directions for Collectors of Land Revenue promulgated by the Honorable Lieutenant Governor, paragraphs 147-48 and 221 223

7. It is admitted† that, notwithstanding these safeguards, much inaccuracy prevailed in the first accounts filed under the new rules, and that this may up to the present time have been only partially corrected. It could hardly indeed have been otherwise. On the one hand the zemindars were not likely in all cases to abstain from the long-confirmed habit of concealing the produce of their estates on account of the yet untried risk that a cultivator might plead the records in bar of a just demand against him. On the other, many cultivators may not have thought it worth while to contest the mere entry of an excessive demand in the papers, no attempt being made at the time to levy rent according to it.

† *See* Directions for collectors of Land Revenue, paragraphs 237-253.

8. These admissions, however, do not affect the Lieutenant-Governor's confidence in the final success of the system, or render him at all more willing to see it abrogated. The errors and defects which have been noticed are almost necessarily in a course of gradual correction. The attention of the several grades of intelligent officers before enumerated is constantly directed to the subject, and by some systematic measures have been adopted for amending the settlement records. But, besides this, occasions are continually happening which bring any latent inaccuracies to light. Any dispute between the zemindar and the putwari about wages, or between the former and his cultivators about rent, or any quarrel

among the sharers about profits, may have this result. Every case of partition of lands, every instance of attachment of rents either for arrears of revenue or by order of Court, all changes of ownership or management, and many other occurrences which might be mentioned, are almost sure to disclose any extensive error which may exist in the recorded rent-roll. And when that record has been thus once amended for any estate, it is a matter of comparative ease to prevent its again becoming inaccurate. It is hoped, moreover, that all parties will by degrees learn to look to the putwari's records as the main security of their rights, and to watch carefully against any attempted falsification of them.

9. In the foregoing remarks the Lieutenant-Governor has confined himself to the question immediately discussed in the papers before him, viz. that of recording the rents payable to a landholder by his ryots. His Honor in Council is, however, aware that in the North-Western Provinces the putwari's annual papers contain also a statement of all subordinate sharers, shewing all changes which have taken place during the past year in the proprietorship of the estate.* It is of the utmost importance for the decision of all judicial questions, especially in large coparcenary estates, that this register should be carefully kept up.

* See Directions for Collectors, paragraphs 221-233.

10. It is further provided by the rules in force that the cultivators of each village shall be classified in the annual jummabundi filed by the putwari according to their respective grades and rights of occupancy. In some places this classification has been accomplished and in others it is in progress; but the want of a new law is felt, which shall distinctly recognize the different grades found to exist, and which shall render this recognition binding in the Civil Courts. The draft of an Act to this effect has been lately proposed to this Government, and is now under consideration. The subject is mentioned here as an additional proof of the prospective, if not the present, value of the papers under reference.

11. The yearly increasing bulk of the putwaris' papers filed in the Collectors' offices is undoubtedly an inconvenience, but this may admit of a remedy. There seems to be no sufficient reason why detailed papers of more than a limited number of years should be preserved, especially if the putwari's own copy is always authenticated by the signature of some responsible officer, so as to secure it from subsequent alteration.

12. The Lieutenant-Governor trusts, for the reasons above adduced, that any Act which may be introduced in compliance with the suggestions of the revenue authorities in Bengal, may be confined to that division of the Presidency, the circumstances of which differ so much from those of the North-Western Provinces, that a measure which is practicable in the one may be far less so in the other.

Abstract statement of Canoongoe and Putwaree Records for the years 1846-47, 1847-48 *and* 1848-49.

Division.	Year.	Number of villages in which papers had been filed on date of report.	Number of villages in which papers had not been filed up to the date of report.
Delhi ...	1846-47	2 777	680
	1847-48	2 822	807
	1848-49	2,886	710
	Total ...	8,485	2,203
Meerut ...	1846-47	8,239	34
	1847-48	8,345	32
	1848-49	8,247	238
	Total ...	24,831	304
Rohilcund ...	1846-47	15,664	80
	1847-48	16,057	79
	1848-49	16,390	123
	Total ...	48,111	282
Agra ...	1846-47	7,257	17
	1847-48	7,452	41
	1848-49	7,589	37
	Total ...	22,298	95
Allahabad ...	1846-47	10,040	69
	1847-48	10,290	56
	1848-49	10,586	56
	Total ...	30,916	181
Benares ...	1846-47	31,008	38
	1847-48	30,541	1,139
	1848-49	32,122	205
	Total ...	94,271	1,382
Total of all Divisions ...	1846-47	75,585	924
	1847-48	75,497	2,154
	1848-49	77,830	1,369

FORT WILLIAM,
The 13th November 1850.

J. THORNTON,
Secy. to Govt., North-Western Provinces.

H. P.—Reg. No. 10922C—100—17-12-84

No. 65, dated Calcutta, the 17th January 1851.

From—The Secretary to the Government of Bengal, Revenue Department,
To—The Secretary to the Board of Revenue.

WITH reference to your letter No. 128 of the 8th May 1849, recommending the rescission of parts of the existing laws as noted on the margin, which require the filing of village accounts by putwarees and zemindars, I am directed by the Deputy Governor of Bengal to forward the accompanying copy of a letter No. 38, from the Secretary to the Government of India in the Home Department, dated the 3rd instant, with its enclosure, on the subject, and to request that the Board will favour His Honor with their opinion on the propriety of rescinding the laws in question as regards Bengal only, they being considered essentially necessary in the North-Western Provinces.

Section 16, Regulation No. XII of 1817, and sections 12 to 15, Regulation IX of 1833.

C. E. G.—Reg. No. 10928C—100—15-12-84.

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No. 17, dated Fort William, the 9th January 1852.

From—The Officiating Secretary to the Board of Revenue, Lower Provinces,
To—The Secretary to the Government of Bengal, Revenue Department.

I am directed by the Board of Revenue to acknowledge the receipt of Under-Secretary Mr. Seton Karr's letter No. 65, dated the 17th January last, transmitting a copy of a letter (with its enclosure) from the Secretary to the Government of India, in the Home Department, on the subject of the rescission of the laws which require the filing of village accounts by putwarees and zemindars, and desiring to know the opinion of the Board as to the propriety of rescinding the laws in question as regards Bengal only to the exclusion of the North-Western Provinces, where they are considered to be necessary.

Mr. Gordon's minute of 28th January last.
Mr Ricketts' of 4th February, with drafts of an Act.
Mr. Currie's of 22nd November
Mr Gordon's of 16th December.
Mr. Ricketts' of 17th January.

2. In reply, I am desired to submit copies of the minutes noted on the margin. Mr. Ricketts, it will be seen, advocates the repeal of all the laws respecting putwarees and canoongoes in Bengal, Behar, and Orissa, together with sections 9 to 12 of Regulation IX of 1833, and he submits the draft of an Act which he considers necessary with this view; but the majority of the Board, while in favour of rescinding the law which requires the periodical submission of zemindari papers, would not repeal the enactments (which Mr. Ricketts proposes to repeal) relating to the office of canoongoe or putwaree. They are unwilling to exempt zemindars altogether from the obligation which the old law imposed of the due preparation of accounts, and the production of them when required; and it appears to them that the object in view may be attained, as regards Bengal, by rescinding those Regulations which extend to it the operation of Regulation XII of 1817 (whereby the former laws which have never been repealed will revive) with such parts of section 62, Regulation VIII of 1799, as appear to require that the agents appointed by proprietors for keeping the accounts of their estates shall bear the designation of putwaree, and shall be registered in the civil court and Collector's office. They think also that it may be advisable to rescind Regulation XII of 1817, so far as it relates to the Province of Behar, but they would make no alteration in the law relating to Cuttack.

3. The enacting clauses of the law, which it will be necessary to pass in conformity with the views of the majority of the Board, are given in the concluding part of Mr. Currie's minute.

Minutes.

I have again read and considered the minute I wrote on the subject of this reference more than two years ago. I adhere to my former opinion. I did not intend my remarks to apply to the North-Western Provinces, with the circumstances of which I am not sufficiently acquainted to enable me to recommend the rescission of any law that may be in force there In regard to the districts under the jurisdiction of this Board, I would rescind the law in question.

2. I find that by way of checking the production of papers containing excessive rents, the practice in the North-Western Provinces is to require that the accounts filed shall be published once for all at the time of settlement and form a part of its proceedings, so that objections may be made by the ryot if he think proper.

3. Now it is scarcely necessary to observe that, with the exception of Cuttack, the settlement in the Lower Provinces is permanent, and was made sixty years ago If in lieu of the accounts of the settlement, those first filed were published, the check would, in my judgment, be equally inoperative. In most cases the ryot could not read the account thus published, and if he could, he would not incur the expense, trouble, and consumption of time required for having his objections investigated. People who advocate the enforcement of such a law in Bengal seem to think that the ryots in this part of the country are not, as a general rule, entirely subservient to their zemindars. Unless a *zemindar* is *very* oppressive, the ryots, as a matter of course, obey him. Before you can carry out such plans as these, the ryot must be independent and intelligent at the same time. Until you have effected such a revolution in their character, I believe it to be hopeless to attempt to uphold the rights of the ryots by the mere promulgation of a law requiring zemindars to file village accounts.

E. M. Gordon.

The 28th January 1851.

I have little to add to what I have already written on this subject. The rules are entirely unsuited to the state of property in Bengal, and I have no hesitation whatever in recommending that they should be rescinded. I would rescind all the laws respecting putwarees and canoongoes in Bengal, Behar, and Orissa, together with sections 9 to 12, Regulation IX of 1833.

2. In Bengal full $\frac{4}{5}$ths of the land is held by middlemen, putneedars, talookdars, ticcadars, houladars moourreeadars, &c., &c., &c. For the most part now those who actually till the land holding the plough with their own hands are mere tenants-at-will with no more rights than day-labourers The ryots of 1793 have either become themselves middlemen, or have disappeared altogether.

3. I append draft of such a law as I would pass I have taken the opportunity of supplying the omissions of Act XX of 1848, and authorizing Collectors to summon parties without, in the first place, procuring the sanction of the Commissioner.

4. In Cuttack, village papers are filed in the Collector's office, and also in the offices of the pergunnah canoongoes. The district officers have lately *unanimously* recommended that the office of canoongoe should be abolished as useless, and I am prepared to support the recommendation.

5. At the settlement a record of all existing rights and of rates was prepared, which will of course guide the authorities in all cases, unless it be shown that the arrangement then concluded has been set aside by mutual agreement or by decree of court. The *onus probandi* must of course rest with the plaintiff, so that no annual production of papers can be necessary for the protection of the ryots whose interests were then recorded

6. I have heard it remarked that the papers annually filed will be of much use when, at the expiration of the existing leases of 30 years, a renewal of the settlements shall become necessary.

7. Supposing such papers to be filed regularly from this time till the period of resettlement, they would not be accepted as trustworthy proof of the extent of the increase of cultivation, nor of the alteration of rates—of what use then would they be, for I see no reason why, at a renewal of settlement, any further information should be sought for?

At a renewal of settlement, detailed enquiries, such as were made previous to the formation of the existing settlement, will be entirely unnecessary. If prices shall have generally risen and land become more valuable, a general rise of rates can be introduced without another detailed list of the ryots from whom the increased rate is to be received. If cultivation shall have spread, assessment at the rate considered suitable on the new land will not necessarily impose the task of ascertaining from what hive the new ryots swarmed, and what terms they made with the proprietor when they first established themselves.

9. At all events, papers prepared and filed now will be no guide to those employed in a renewal of the settlement 25 years hence If required, village papers may be called for for two or three years before the settlement shall expire.

10. Some regard these papers as affording a protection for the ryots against undue exactions. By section 9, Regulation VII of 1822, it is ruled that the decisions of the Courts of Judicature shall be regulated by the rates of rent and mode of payments ascertained and recorded at the settlement until distinctly altered by mutual agreement, or after full investigation in a regular suit, and by section 10, Regulation VIII of 1831, it is provided that the summary jurisdiction exercised by Collectors shall be restricted to the object of enforcing payment of the rents paid in past years.

11. Either these enactments afford for the most part efficient protection against exactions, or our courts are for the most part useless.

12. If, with such stringent rules, Collectors cannot prevent landholders from demanding and realizing rents unauthorized by the settlement, and rents in excess of the rents previously received, they must be powerless to procure papers otherwise than such as suit the views of the zemindars, and fitted for the purposes of exaction rather than for the purpose of protection.

13. In Cuttack also I would dispense with village papers and putwarees

The 4th February 1851. H RICKETTS.

An Act for rescinding the Regulations and Acts which require proprietors of land to maintain putwarees, and to furnish periodically village accounts, and to amend the laws for procuring the attendance of proprietors and occupants of land with their accounts when required.

PREAMBLE.

WHEREAS in most parts of Bengal the laws which make it incumbent on zemindars to maintain putwarees and to furnish annually village accounts have for many years been inoperative, and the state of property is such that those laws are no longer applicable; and whereas it is necessary to amend the laws for procuring the attendance, with accounts of proprietors and others connected with landed property: it is therefore enacted as follows:—

Section 62, Regulation VIII of 1793, and all subsequent Regulations and Acts which prescribe, or can be construed to prescribe, that proprietors of land shall maintain a putwaree in each village, are, so far as they relate to the territory under the Bengal Government, hereby rescinded.

Sections 12 to 14, Regulation IX of 1833, and all preceding Acts and Regulations which prescribe, or can be construed to prescribe, that proprietors of land shall furnish village accounts annually to the Collector's office or to any other office, are, as far as they relate to the territory under the Bengal Government, hereby rescinded.

It is hereby enacted that in every case in which, under the Acts and Regulations in force, it is competent to a Collector, with or without the sanction of superior authority, to demand accounts or documents from a proprietor of land or a putwaree, or to summon a proprietor or putwaree, in order to obtain information in any case connected with his public

duty, it shall be competent to the Collector, of his own authority, to demand such accounts or documents from the party in a position to furnish them, or to summon the party best qualified from his position to afford the information sought for, whether proprietor, talookdar, putneedar, mocurrurredar, istemrardar,, mokuddum, surburakar, jotdar, mouzadar or other middleman, or agent, or putwaree, without reference to his denomination.

Should the party called upon to attend or to produce accounts or documents fail to comply with the requisition, the Collector may impose, of his own authority, under the provisions of, and subject to, the limitations prescribed in, Act XX of 1848, such daily fine as he may think adequate to the situation and circumstances in life of the defaulter.

Every order passed by a Collector under this Act, whether as regards the proper party to be summoned, or the proper party from whom to demand the accounts or documents required, or the amount of penalty or other matter connected with the requisition made, shall be appealable as provided in section 8, Act XX of 1848.

The 4th February 1851. H. RICKETTS.

I HAVE had these papers by me for several months. At the time they were first sent to me a press of current and other important business prevented me from entering upon the consideration of them; and afterwards I thought it as well to let them lie over until I could take them up in connection with the proposal for the introduction into Cuttack of pergunnah establishments on the plan of those in the North-Western Provinces, which has been for some time under discussion.

2. With regard to the subject of the Board's letter of the 8th May 1849, and the question now proposed for determination in Government orders of 17th January last, I have no difficulty whatever in declaring my full concurrence in what has been the unanimous opinion of successive Members of the Board ever since the enactment of Regulation IX, 1833. I think that all further attempts to enforce the provisions of sections 10 to 15 of that Regulation in any of the districts subject to the authority of this Board should be abandoned; and, although not legally necessary, I think it may be advisable formally to rescind those sections so far as they relate to the Lower Provinces.

3. The only districts in regard to which there could be any doubt are the three Cuttack zillahs. But even there, the measures adopted in accordance with Mr. Mills' circular of 1841 have been only partially effective, and attended with no beneficial result; and the reasons stated in paragraphs 5 to 11 of Mr. Ricketts' minute of 4th February last are, to my mind, conclusive that could regular delivery be successfully enforced the papers would after all be of no real use or value.

4. But Mr. Ricketts now proposes not merely to rescind the law which requires the periodical submission of zemindari papers, but also to repeal all enactments relating to the office of canoongoe or putwaree; and to this I feel it very difficult to assent.

5. In the minute in which he makes this proposal, Mr. Ricketts has assigned no reasons for it; but the subject is discussed incidentally in his former minute of 29th March 1849, and he there contends that the zemindars having been recognized as proprietors of their estates, they are entitled to the full privileges of ownership exempt from all interference on the part of the Revenue authorities. To this it may be replied that the same law which made the zemindars proprietors, reserved all the rights of their undertenants on the one hand; while on the other it retained the lien of Government on the greater part of the produce of their estates; and in order to the security of these rights and claims, the establishment of recognized and responsible accountants was an obvious and almost indispensable measure. The ownership being limited, the privileges attaching to it were necessarily limited also. The office of putwaree, already existent in the village communities throughout the greater part of the country, was admirably adapted to the end in view, and although in the revolution of property which has since taken place in Bengal the very name of putwaree has, in many places, almost past away, there seems to me to be no reason but the contrary for abolishing the legal recognition of the office in those parts where it still exists.

6. Throughout the Province of Behar, putwarees are, I believe, still very generally employed, though their names are not always, in some districts perhaps never, recorded in the Collector's office. In Cuttack, it would seem the law is more steadily enforced, provision in land was made for the putwaree's maintenance at the time of the settlement, and nominations are submitted for the Collector's confirmation. In short, the requirements of Regulation XII, 1817, are tolerably well observed, and, so far as Cuttack is concerned, I see no reason whatever for dispensing with them. It may be a question, however, whether they should now be revived in Behar, where, for the most part, they have long fallen into disuse; and in Bengal, where the law is altogether a dead-letter, it would certainly be most unadvisable to take any measures for enforcing them.

7. The course of legislation appears to have been as follows:—By section 62, Regulation VIII, 1793, zemindars and other landed proprietors were required to appoint putwarees, and to register their names in the zillah court and the Collector's office. If on any occasion of accounts being required by the Courts or the Collector, it was found that no putwaree had been appointed, the proprietor was liable to fine by the Court, either of its own motion, or at the instance of the Collector. By clause 4, section 23, Regulation VII, 1799, Collectors were enjoined to enforce generally the appointment of putwarees under the provisions of the law just cited, but petty proprietors managing their own lands, and keeping their own accounts, were exempted from the obligation. Section 8, Regulation I of 1801, while it affirmed the putwaree law, recognized at the same time all other native agents who might be employed by proprietors in managing their estates or keeping their accounts, and subjected them to the same rules as putwarees. In 1817, a reform of the

office of putwaree being judged necessary, Regulation XII of that year was passed for the ceded and conquered provinces—Benares, Behar, and Cuttack—by which the office was placed under the surveillance of the Collector, and large powers were given to him in respect to the appointment and removal of putwarees This Regulation was subsequently extended to all the districts of Bengal by section 3, Regulation XIII, 1817, section 3, Regulation I, 1818, and clause 2, section 4, Regulation I, 1819 and the former laws were thus superseded.

8 There are certainly objections to retaining on the Statute book an inapplicable and inoperative law, and I am not therefore inclined to oppose altogether such a measure as Mr, Ricketts suggests But I am unwilling to exempt zemindars from the obligation which the old law imposed of the due preparation of accounts and production of them when required It appears to me that the object in view may be attained as regards Bengal by rescinding those Regulations* which extend to it the operation of Regulation XII, 1817, with such parts of section 62, Regulation VIII, 1799, as appear to require that the agents appointed by proprietors for keeping the accounts of their estates shall bear the designation of putwaree and shall be registered in the civil court and Collector's office It may also be advisable to rescind Regulation XII, 1817, so far as it relates to the Province of Behar I have already said that I would make no alteration in the law relating to Cuttack

* The Regulations in question being rescinded the former laws which have never been repealed will revive

9 This course appears to be the more suitable inasmuch as Regulation XII, 1817, was intended to have effect only in those parts of the country in which canoongoes were or might be established, and the three Cuttack zillahs are now the only districts under this Presidency in which that office exists Even there it is upon a very inefficient footing, so much so that the local officers doubt the advisability of maintaining it, and in his minute of the 4th February Mr Ricketts recommends its abolition In this recommendation I do not concur, instead of abolishing the office I would endeavour to render it efficient I am quite satisfied that hereditary pergunnah officers, possessed of an intimate knowledge of all matters connected with the landed property of their divisions, might be of the greatest possible assistance to Collectors in these Provinces, where there are no mofussil establishments They would render effective service in all fiscal and in all statistical enquiries, in the attachment of estates under orders of the Courts, and in kas management and especially they would furnish means for keeping up the register of mutations—a desideratum which has been long felt, and which, under present circumstances, it is scarcely possible to supply The success which attended the operations for the resumption and settlement of rent-free lands in Behar was owing principally to the assistance afforded by the canoongoes, and to the completeness of the Collectorate registers, which was also due to them In the survey of that Province likewise they rendered valuable service, and who can doubt that much of the difficulty now experienced in the survey of Bengal would be removed and the operation immensely facilitated, if a canoongoe were to be found in each pergunnah In Cuttack there are additional reasons for maintaining the office in the temporary nature of the settlement, and in the necessity which frequently occurs of granting remissions, after local enquiry, in seasons of dearth and inundation

10 So far then from acquiescing in the proposed abolition of canoongoes in Cuttack, I think it is greatly to be regretted that they have been dispensed with in Behar, and that the laws† which provided for their establishment in Bengal have never been carried out Indeed, I am of opinion that even now it might be advisable to revive or establish the office, or something similar to it, throughout the Lower Provinces But even should a proposition of this nature be entertained (regarding which I am not very sanguine), it would not affect the suggestions already made respecting putwarees, and it would probably be better to pass a new Act defining the nature and duties of the office than to fall back upon the old unexecuted law

† Regulation XIII 1817
Regulation I 1818
Section 4 Regulation I 1819

11 Should the view which I have taken be adopted, the enacting clauses of the law to be passed regarding putwarees and zemindari accounts might run as follows —

Regulation XIII, 1817, Regulation I 1813, section 4, Regulation I, 1819, and so much of section 62, Regulation VIII, 1793, and of any other Regulation in force, as requires, or may be understood to require, that the persons appointed by proprietors of land for keeping the accounts of their estates shall bear the designation of putwaree, and shall be registered in the zillah court and in the Collector's office, are rescinded

Regulation XII, 1817, in so far as it relates to the Province of Behar, or rescinds any Regulation or part of a Regulation previously applicable to that Province, is rescinded

Sections 12 to 15, Regulation IX, 1833, in so far as they relate to the territories under the Bengal Government, and clause 2, section 16, Regulation XII, 1817, in so far as it relates to the Province of Cuttack, are rescinded

The 22nd November 1851 E CURRIE

On the whole, I concur with Mr Currie, and think the enactment of a law, such as that which he proposes, will suffice I would not revive, however, the office of canoongoe in the districts where it has long been in disuse But I am content, for the reasons stated by Mr Currie, to let it stand in Cuttack I was willing to abolish it, with reference to the strongly expressed opinions of the local officers, and of Mr Ricketts, but on further consideration I am disposed to think that if no use can be made of the canoongoe, bad administration on the part of the Collector is fairly to be inferred

The 16th December 1851 E M GORDON.

My colleagues agree to rescind sections 8 to 12, Regulation IX of 1833, but cannot assent to part with the canoongoes, or to sever the connection between Government and the putwarees. Mr. Currie remarks that I have assigned no reasons for my proposal to dispense with the canoongoes—as the accounts are to be dispensed with, the retention of the officers with whom the accounts are deposited appeared to me entirely unnecessary.

2. Mr. Currie does not correctly represent what I have said when he writes: "He contends that the zemindars having been recognized as proprietors of their estates, they are entitled to the full privileges of ownership, exempt from all interference on the part of the Revenue authorities."

3. I said nothing about the title of the zemindars. I wrote: "It appears to me that the putwaree system is utterly inconsistent with the great principle which has now been so long recognized, and in other respects acted upon, that a right of ownership is vested in the zemindars. We have already stringent laws against exaction, and, if necessary, I would increase their stringency, but I would not neutralize all our efforts to induce confidence, to foster a feeling of ownership, by proclaiming that no owner shall be allowed to keep his own accounts."

4. I do not regard the putwaree system as *unjust* by the zemindars. The legislature of 1793 had full power to couple with the privileges then granted such restraints and restrictions as were considered needful, but I maintain that the spirit of the putwaree system is inconsistent with the theory of ownership then introduced, and ever since regarded as the foundation of the Bengal economy.

5. Mr. Currie speaks of the putwaree system as having been admirably adapted to the end in view, but it has failed, signally failed, in spite of the many efforts to foster it, which have from time to time been made for upwards of half a century, and I believe the real cause of failure to be the inconsistency I have noticed. All classes of the agricultural community are either opposed to it or indifferent to it. It gives useless trouble to the zemindars, and no real protection to the subordinate classes.

6. In Cuttack, I consider the putwarees and canoongoes to be especially useless. The rights and interests of all have been ascertained, and the fullest information on every subject recorded. There is nothing new of any sort to be learned. Under the law, the jumma of the settlement, unless set aside by mutual agreement, is the only rental the courts can recognise. No increase on the jumma then adjusted can be levied. Of what use, under such circumstances, are the papers annually filed in the canoongoes offices. For whose benefit is the expense of the putwaree and canoongoe's establishments incurred? A quarter of a century hence, two or three years previous to the expiration of the existing settlement, information as to the alterations which may have taken place since the completion of the last settlement may be necessary, but of what use will information now collected be then? and who will put sufficient trust in the canoongoes' papers prepared by the zemindars to make them the foundation of a new settlement?

7. Mr. Currie remarks that the necessity which frequently occurs of granting remissions after local enquiry in seasons of dearth and inundation makes the services of the canoongoes valuable, but on those occasions the canoongoes' reports are not admitted as trustworthy. Deputy Collectors are employed to make the investigations needful.

H. Ricketts.

The 7th January 1852.

W. LeB.—Reg. No. 109240—100—17-12-84.

No. 100, dated Fort William, the 14th April 1863.

From—H. L. Dampier, Esq., Secretary to the Board of Revenue, Lower Provinces,
To—The Secretary to the Government of Bengal, Revenue Department.

At the instance of the Commissioner of Patna, I am directed by the Board of Revenue to submit, for the decision of the Lieutenant-Governor, a question raised by that officer.

W. J. Allen, A. Grote and E. T. Trevor } Esqrs.

2. In May 1849, the Board recommended, in concurrence with the views expressed by the Board of 1838, that section 16, Regulation XII of 1817, which requires putwarees to file accounts, and the sections of Regulation IX of 1833, which require accounts to be furnished by zemindars, be rescinded.

3. On the 8th May 1849 the Board reported again on the subject fully. Mr. Ricketts proposed to sweep away all laws regarding canoongoes and putwarees in Bengal, Behar, and Orissa. His colleagues, Messrs. Gordon and Currie, wished to rescind so much of the laws only as prescribed the periodical *filing* of village accounts, but to leave in force so much as required the regular preparation and the production of such accounts. In Orissa they did not wish to make any change.

4. The subject then dropped, as no reply on the subject was received from Government.

5. The purport of this recommendation having been communicated to the Commissioner of Patna, the Board were asked, in June 1854, whether it was intended that the enforcement of section 5, Regulation XII of 1817, which requires the due nomination of putwarees in villages where none existed, should be stayed; that section having fallen into abeyance in some districts of the Patna Division and not in others.

6. The Board replied that they did not contemplate restricting the operation of any provisions of the law, but at the same time expressed an opinion that in cases in which the provisions of section 5, Regulation XII of 1817 had not been enforced, it was not necessary or expedient to revive them. They added: "the Board apprehend the present state of the law in Bengal and Behar with regard to putwarees' accounts to be this:—Section 16, Regulation XII of 1817, is superseded by sections 12 and 13, Regulation IX of 1833, and section 13 of the last named Regulation which provides for the deposit of the accounts in the Zillah Revenue office is, as has been already explained, a dead letter in consequence of the Board having abstained from prescribing the mode and periods in and at which the accounts should be furnished. Putwarees, therefore, although they are required to keep accounts, are not required to deposit them anywhere but in their own office."

7. In February last, the present Commissioner of Patna, apparently unaware of the previous correspondence, reported that the register of putwarees enjoined by section 4 of Regulation XII of 1817 had not been kept up in Patna for some years, and that frequently parties calling themselves putwarees, but whose names were not in the old register, appeared to give evidence in Act X of 1859 cases, and that in Shahabad the register is kept up, but the Collector has no doubt that the provisions of section 7 of the law are "habitually and systematically disregarded by the zemindars, and that transfers or successions in the office of putwaree are only reported when the zemindar has some particular occasion for the putwaree to be officially recognized." The Commissioner further stated that, as the law enjoins no penalty for omitting to notify nominations, the Collector is of opinion that it would be difficult to enforce regularity from the zemindars. The office is a hereditary one, which is one reason why formal information is neglected. The Collector suggests as a remedy, that village accounts be not received unless signed by the registered putwaree, but this would, he observes, create such confusion in rent suits for the first year or so, and cause so much real injustice, that a year's notice of such determination should, he thinks, be given before introducing it. In Sarun the register is not duly kept up; a requisition of 1856 was only partially attended to by the zemindars. In Chumparun the Collector reports the register to be duly kept up, but the Commissioner doubts if close enquiry would bear out the assertion. The Behar register was destroyed in the mutinies, and only one-third of a new one has been prepared. In Tirhoot the register is kept up, but it is avowedly incomplete.

8. In submitting this report, Mr Cockburn proposed as follows:—

"There is one section, viz. 11, which does authorize, under certain circumstances, a daily fine, but this is wholly inoperative, and has, like the law, generally become obsolete. It seems to me that the law had better be formally repealed, and zemindars, putwarees, and others left to attend to their own affairs. I can safely assert that Regulation XII of 1817 has generally in this Division, and throughout Bengal, become a dead letter, excepting in so far as it becomes a source of annoyance and litigation, and I strongly recommend that it be removed from the Statute book."

9. In reply, the Board referred Mr. Cockburn to the orders of 1854, adding: "there is no doubt that, strictly speaking, the provisions of Regulation XII of 1817 should be acted upon, but as no practical inconvenience seems to have followed their disuse, it is unnecessary to revive the question."

10. Mr. Cockburn now states that he is not satisfied that the views of the Board, as entertained in 1854, or now, are correct, and desires that the matter be referred to Government. He writes:—

"There appears to have been a discussion in regard to section 5, Regulation XII of 1817, which prescribed the due nomination of putwarees in villages paying revenue to Government where none previously existed within three months from promulgation of the law passed on 12th August 1817.

"The Board, in their letter of 14th July 1854, expressed an opinion that it was neither necessary nor expedient to give effect to the said section in cases in which it had not been previously enforced.

"This opinion, however, had reference to the one point stated and not to the general subject of the Putwaree Regulation.

"The Board was further of opinion that section 16 of Regulation XII of 1817 had been superseded by sections 12 and 13, Regulation IX of 1833, in so far as putwaree accounts were concerned.

"The section in question is one providing for the 'duties of the putwaree,' and among these were directions in regard to the manner and form of accounts.

"Sections 12 and 13, Regulation IX of 1833 modified and strengthened the other to a certain extent, but did not supersede it, and the plain and declared intent of the new enactment in place of being to supersede section 16, Regulation XII of 1817 was to provide for the preparation of duplicate sets of the accounts and for a third copy for deposit in canoongoes' offices, where such existed, and for the delivery at such times, and in such mode, as the Board might prescribe.

"The Board was also of opinion that section 13, Regulation IX of 1833 was a dead letter owing to the Board having abstained from prescribing the mode and periods in and at which the accounts should be furnished, and therefore that putwarees, though bound to keep accounts, are not required to deposit them anywhere but in their own office.

"Thus it appears that, by a clear dereliction of duty, the provisions of the law, twice enacted, had not up to July 1854 been given effect to, nor when the matter came under the then Board's notice were any steps taken to remedy the neglect.

"Moreover, on the subject of the detective administration of the law, and the annoyance and litigation resulting being brought again forward, the Board are of opinion that though no doubt strictly speaking the provisions of it should be acted upon, yet as no practical inconvenience seems to have followed their disuse, it is unnecessary to revive the question.

"I have further to notice that the special subject of my reference was in regard to the preparation of the registers, on which point the Board have given no reply, and I am uncertain whether they should be kept up in their present imperfect state, endeavours made to correct them or allowed to rest as they are, and nothing at all done by the Collectors.

"I have already stated my opinion that the law should be repealed, but if not, that its provisions should be enforced.

"I request that the Board will submit the correspondence for the information and orders of Government, as I think it highly desirable that the present anomalous state of things should be amended, and Government will probably be of opinion that the matter is deserving of further enquiry and consideration, with a view to determining whether legislative action is proper or not."

11. The Board have only to repeat the opinion which they gave to the Commissioner. It is well known that certain provisions of Regulation XII of 1817 have fallen into general disuse, and there is no reason whatever for resuscitating them any more than those other laws which impose a penalty for non-registration of transfers in revenue-paying lands, and for not giving information to the Collector of succession to lakhiraj lands; at the same time, where a landholder comes forward, and claims to have the appointment of his putwaree registered and recognized, the Collector cannot refuse to do so. To this extent only need registers be kept up.

12. Should the Government be of opinion that the only option in the case lies between a strict adherence of the laws on this subject and their repeal, the Board have no hesitation in recommending their repeal, except in the Province of Orissa, to which the present system and the canoongoes are adopted.

H. P. W.—Reg. No. 11496C—112—24-12-84.

No. 57T, dated Yacht *Rhotas*, the 11th July 1863.

From—S. C. BAYLEY, Esq., Junior Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, L.P.

THE Lieutenant-Governor having had under consideration your letter No. 100, dated the 14th April last, submitting for decision the question whether Regulation XII of 1817, so far as it, refers to village putwarees, should be repealed, I am to state, for the information of the Board, that His Honor is of opinion that the matter had better rest as it is.

No. 150.

COPY forwarded to Commissioner of Patna, together with Board's letter to Government, with reference to his No. 422, dated 13th March last.

By order of the Lieutenant-Governor of Bengal,

R. B. CHAPMAN,

Offg. Secretary to the Government of Bengal.

CALCUTTA,
The 22nd July 1863.

H. P.—Reg. No. 11487C—112—23 12-64.

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Extract from Mr. McNeile's *Memorandum on the Land Revenue Administration of the Lower Provinces of Bengal.*

CANOONGOES AND PUTWARIES.

Existing state of the institution.

Inquiries have recently been made, under the orders of Government, to ascertain what traces remain of the ancient canoongoe and putwari system in the Lower Provinces. The facts were in a general way known beforehand, for a similar call made by Government thirty-five years ago led, as will be recounted below, to the discovery that except in Behar and Orissa the institution existed but in name. The reports now received show that canoongoes are, except in Orissa, altogether extinct. One zemindar in the district of Goalpara has been discovered, who retains the title of canoongoe, but everywhere else the very name has disappeared. Putwaries are found generally throughout the Patna Division, and are registered in the Collectors' offices. They also exist in most parts of the Bhaugulpore Division, exclusive of the Santal Pergunnahs, but a register of their names is kept at the Monghyr Collectorate only, and that register has been allowed to fall almost into disuse. In the Rajshahye Division a few putwaries remain, who are however no longer accountants watching over the interests of both zemindars and ryots, but simply rent collectors, or petty gomastahs. The same description applies to the Cooch Behar Division. In the Presidency Division there are no putwaries at all. In the Burdwan Division there are none, except in the pergunnah of Futtaspore, which properly belongs to Orissa, being embraced in the temporary settlement in force in that province. In Chota Nagpore there are none, except in a small tract recently transferred from the Gya district. In Dacca there are none, except in the district of Sylhet, where two officers called putwaries remain; but it appears that these men are the relics of a system introduced by Government in 1835, and are Government tehsildars with none of the distinctive characteristics of the ancient putwari. In the Chittagong Division putwaries exist as landholders' collecting agents in Tipperah and Noakhally, and it is reported that some of those in Tipperah have lost their occupation, and retain the name of putwari as a mere patronymic. In the district of Chittagong the institution seems to have never existed at all. In Orissa a few putwaries have been always maintained since the first settlement of the province after its annexation, and canoongoes have been entertained since the enactment of Regulation XII, 1817. The reorganization and improvement of the system here has lately been the subject of lengthy correspondence and detailed orders from Government.

History of its decadence.

The general state of affairs then is that, excluding Behar and Orissa, the old putwari system is a matter of history throughout these provinces. It could scarcely have been otherwise. The death-blow to the canoongoe and putwari system in Lower Bengal had been given long before the permanent settlement, and that settlement, in spite of the strenuous attempts of its authors to prop up and infuse fresh vitality into the effete institution under notice, completed its destruction. As originally constituted, the canoongoe was an agent of the imperial Government, associated with the zemindar for the purpose of checking and supervising, in communication with the Government, that officer's proceedings in regard to the collection of the public revenue. The putwari was the canoongoe's subordinate officer, and bore to the village gomastah the same relation as his master bore to the zemindar. This system worked no doubt very efficiently under the strong rule of Akbar, but before the British accession it had crumbled away. As the central Government lost its hold over the zemindars, the canoongoe's inspection was set at nought, and he lost his position and power. It is well known that in the latter times of the Mogul empire zemindaries were constantly farmed to the highest bidders, a state of things which is altogether irreconcileable with the notion of a system of minute imperial supervision. The result was that the canoongoes slid into the position of mere zemindars of their own "nankar" jagheers.

Abundant evidence of the ruin of the system is supplied by the Fifth Report of the Select Committee of the House of Commons of 1812. Thus, at page 20, we read—"Sufficient traces remained" (*i.e.*, at the time of the permanent settlement) "to show what was the original state of these institutions in Behar; but in Bengal the disorders which increased as the Mogul empire declined had destroyed the efficacy of those checks, which had enabled the governing power to acquire an accurate account of the village collections. The office of canoongoe has become little more than a name, and no better mode appeared for gaining a knowledge of the value of the lands than could be obtained by a comparison of different years' collections, or by reference to village accounts, which were liable to fabrication." Again at page 23,—"In the Bengal Province, the village records, from the neglect of the canoongoe's office, could no longer be relied on." And at page 22,—"The lights formerly derivable from the canoongoe's office were no longer to be depended upon."

Canoongoes were consequently "abolished 'as pernicious in Bengal and Behar," though they were still maintained in Benares and the ceded and conquered provinces. The inevitable consequence was that the putwaries, who formed only another section of the same establishment, though, being residents of the villages in which they were employed, they remained in them and bore their old title, sank into the position of mere zemindari agents. The Committee distinctly report that "the canoongoe's office was now abolished, and the

putwari or village accountant declared to be no longer a public officer, but the servant of the zemindar. An attempt was however made to secure, for certain special purposes, the benefit of the putwaries' local information. Those purposes are specified in section 62, Regulation VIII, 1793, clause 1 of which declares that "the rules, therefore, hereafter prescribed regarding patwaris...are framed solely to facilitate the decision of suits in the courts of judicature between proprietors or farmers of land and persons paying rent or revenue to them, and to guard against any diminution of the fixed revenue of Government or injustice to individuals, by enabling the Collectors to procure the necessary information and accounts for allotting the public jumma upon estates that may be divided, agreeably to the principles prescribed in Regulation I, 1793."

It is pretty clear that from the first this enactment was not practically enforced, for in section 23, clause 4, Regulation VII, 1799, we find Collectors called upon to ascertain whether putwaries had been universally appointed, and to appoint them where they were wanting. Something then may probably have been done, but if so, the result seems to have been very unsatisfactory; for in 1815 the Court of Directors took up the matter afresh, and directed the introduction of measures by which the putwaries should be transformed from zemindari to Government servants, and paid from public funds. These orders were not carried out, the Indian Government having been dissuaded from giving effect to them, principally by the warnings given by the Sudder Dewani Adalut, in respect to the probable consequences of the measure. Those warnings related to the probable cost of the new establishments, and also to "the disadvantages which may arise from the interest and probable disposition of the landholders to employ other agents in keeping their village accounts, and to conceal as much as possible their actual receipts from public officers, whom they will naturally view as checks upon their conduct, and the protectors of their under-tenants." The Government, in replying to the despatch of the Court of Directors, observed that great difficulties would be experienced in introducing the proposed system, in consequence of the impossibility of making such a selection of officers in all cases "as would secure the interests of the landlord, the tenant, and the Government." They remarked that "by such an appointment, if his natural connection with the zemindar were not destroyed, it might be feared that the putwari would in many cases be rendered only the more capable (from his character as a public officer) of being the tool of oppression on the ryot, and of fraud on Government. In other cases, fostering the intrigues of the ryots, he might bring ruin on the zemindars, and seriously injure the public revenue; while if the putwari actually maintained his public character as an officer of the Collector, his intrusion would, in all probability, be odious both to the zemindar and the ryot, and all their efforts would be directed to defeat the object of his office" The Government proceeded to remark on the change which had taken place in the constitution of the putwari establishments since the time of the Mogul Government, observing that they were no longer Government servants, but that "in the largest portion of the Lower Provinces the person by whom the village accounts are kept is, it is believed, distinctly an agent on the part of the zemindar." Government further adverted to the great expense of the proposed measure, which could not be met except by a cess upon the zemindars or ryots, which "would bear so strong an affinity to a direct increase of the land tax as almost inevitably to be viewed as an infringement of the permanent settlement—a consequence most anxiously to be avoided."

In consequence of these objections the Government fell back upon the old plan of leaving the putwaries in their position of subordination to the zemindars, but it was determined to appoint canoongoes to supervise them, and make their accounts available for reference by the courts and the revenue officers of Government. The new arrangements were first introduced in the provinces of Behar and Benares, then a separate division under a Board of Commissioners, and enquiries were set on foot with a view to their extension to the Lower Provinces. In consequence of those enquiries the attempt was actually made and an establishment of canoongoes constituted by Regulation I, 1819, which also defined the position and duties of the putwaries. Canoongoes were actually appointed throughout Bengal, except in the districts of Hooghly, the Jungle Mehals, Purneah, Chittagong, and Sylhet, and were paid from the public treasury. But the whole arrangement was a signal failure. The Board reported in 1827 that "the canoongoes, except in Midnapore and Burdwan, had effected but little towards the main object of their appointment. They had prepared lists of malguzari and lakhiraj estates, pergunnahwari statements of kismats and mouzahs, registers of proprietors, of partitions, and of transfers of property, in their respective divisions; they assisted in investigating particulars relative to churs and other lands liable to assessment, and reported on matters connected with khas mehals; but had made little or no progress in acquiring materials for a compilation of a record of the extent and capabilities of the possessions of the malguzars and lakhiraj proprietors, and none which could afford an insight into the details of village management or into the rights and interests of the agricultural community." The reasons assigned for the failure was the systematic and determined opposition of the landholders to all arrangements, "having for their object the acquisition of information regarding the land tenure of the country and the produce of the soil," a part of the procedure which they adopted with this view having been "the abolition of the ancient office of village putwari, and the substitution of gomastahs, creatures of their own, for those servants of the public. On being called on to furnish a list of their putwaries, they delayed compliance with the orders, or evaded them altogether; and where eventually officers of this description have been appointed by them, or by the Collectors, they either did not permit them access to the real records, or refused to

pay their allowances, or dismissed them without ceremony." The Board continued—"A very general failure in procuring putwaries' records has been experienced throughout the country;" and even in Burdwan and Midnapore, where some slight success had attended "the strenuous exertions of their principals," the Collectors, it was "questionable after all whether the sources, whence the details of village management had been drawn, were sufficiently pure to warrant the adoption of the accounts as authentic records."

The Board seems to have been much impressed with the hopelessness of obtaining reliable information from the putwaries and expatiated on the subject in continuation of the remarks above quoted. "Under the provisions of Regulation XII, 1817," they said, "the putwaries are responsible for the production and for the authenticity of the papers required by the canoongoes; but the putwaries, if any are appointed, are entirely at the mercy of the landholders, who for a long period of years past have placed the whole record of management in the hands of their gomastahs and agents, who are able to provide spurious accounts as well as true ones. When the interests of their employers, co-extensive as they are with their own, are to be affected by their procedure, no doubt can be entertained as to which of the documents, the true or the false, they will make over to the putwari to be filed in the canoongoe's office. It is scarcely possible that the putwari should be able to swear to the validity of the records which he thus delivers, and if he should be aware of their falsity, it is not very probable that he will avow his knowledge. He knows but too well that he is completely in the power of his task-master, the certain consequences of whose wrath are infinitely more to be dreaded than the remote probability of punishment for perjury. * * * Those putwaries who may be appointed by the Collector on the recusancy of the zemindars will not be found in any respect superior to the non-effective men set up to avoid the penalty by the proprietors. Poor, and without influence or support, they are easily corrupted into an acquiescence in the zemindar's arrangements, or deterred from opposing them by the fear of his displeasure. * * * Authentic information in respect to the land tenure, the produce of the soil, and the portion of it which, as representing tax or land rent, is available to the zemindar, is not in short to be expected under the present system from the putwaries. The zemindars will never allow them to give it." The Board concluded their report in the following words:—"After a careful consideration of the subject in all its lights and bearings, we beg to submit our opinion for Your Lordship's consideration that the obstacles opposed by the zemindars and lakhirajdars to the canoongoe system have hitherto rendered the records of the canoongoe's office useless as matter of judicial reference; for instead of affording information they appear better calculated to mislead those who require it;—that the advantages realized from the establishment under its present constitution are by no means commensurate with the expense of keeping it up;—and that, until means are devised of ensuring the authenticity of the documents furnished, whether they relate to accounts, menguration, or ryotwar assessments, the office of canoongoe will mislead instead of giving any useful information."

The result of this report was the abolition, by orders of Government, of the canoongoes in the districts of Beerbhoom, Dinagepore, Moorshedabad, Rajshahye, Rungpore, Mymensing, Backergunge, Bullooah, Dacca, and Tipperah; and of all but two selected officers in each of the remaining districts where they had been appointed, viz., Bhagulpore Jessore, Midnapore, Nuddea 24-Pergunnahs, Burdwan, and the Sunderbans. The selected officers' services were retained for a short period in compiling and indexing the records of their offices, and were then also dispensed with, with the exception of one or two officers in Jessore, the 24-Pergunnahs, and the Sunderbans, and one officer in north-east Rungpore, whom the Collectors of those districts thought they could still make use of. The history of their subsequent disappearance has not been traced.

No further attempt was made to resuscitate the canoongoes, but the putwaries were, or were supposed to be, still in existence everywhere; and accordingly, when the settlement law was amended by Regulation IX, 1833, it was enacted that duplicates of the putwaries accounts should be filed in the Collector's office. But this was never done. In 1837 Government called on the Board for a report showing how far the provisions of sections 12 to 15 of that Regulation had been carried into effect. The Board had already asked the local officers for information on the subject, and the result was the submission of returns, which showed that Purneah, Bullooah, and Tipperah were the only districts in which the law had been in any degree complied with. They also showed that while in the Beauleah, Bhagulpore, Cuttack, and Jessore divisions putwaries existed, "servants of the zemindars," there were in the divisions of Dacca, Moorshedabad, and Hazareebagh no putwaries at all. An abstract of these divisional returns was submitted to Government with the Board's reports No. 383 of the 25th July and No. 409 of 8th August 1837.

Upon this the Board seem to have finally given up the project as hopeless, and from this time they set their faces against any further struggle with the zemindars. The supreme Government signified their opinion that much advantage might be expected from an enforcement of the law, but the Board now strongly expressed their dissent. They urged that the work of compelling delivery of the village accounts, and of examining and testing the accounts given in, was beyond the power of the Collectors, who were overburdened with magisterial work; that great care and expense would be necessary to preserve the records; and that the accounts would never be trustworthy, as "wherever they are delivered, it will generally be to serve some private end." They further stated their belief that "if an attempt were made to enforce the delivery of the accounts in question, it would give rise to great and grievous harassment of the people, terminating in total disappoint-

ment to the Government, and ultimately in an abandonment of the object." They added that the large majority of the Commissioners were of the same opinion. After some correspondence Government modified its first instructions, and directed a gradual introduction of the measure, district by district, commencing experimentally with Cuttack, which was then under settlement. The experiment was tried in Cuttack, but met with very indifferent success; and in 1849 the Board submitted a report to Government, definitely proposing that "section 16, Regulation XII, 1817, under which putwaries are required to file accounts, be rescinded, as well as the sections of Regulation IX, 1833, which require accounts to be furnished by zemindars." The report was accompanied by two long minutes, one by the Senior Member, Mr. Ricketts (probably the ablest revenue officer Bengal has known), and the other by his colleague, Mr. Gordon, in which the subject was so exhaustively and convincingly treated that the Government of India gave way. With advertence, however, to the fact that the system under consideration "had within the last ten years been brought into much fuller operation in the North-Western Provinces," the Board was requested to report their opinion on the proposal to repeal the laws on the subject in respect to Lower Bengal only. In reply to this, Mr. Ricketts maintained his former opinion in favor of total abolition; but his then colleagues, Messrs. Gordon and Carrie, were "unwilling to exempt zemindars altogether from the obligation which the old law imposed of the due preparation of accounts, and the production of them when required." They, therefore, proposed to rescind Regulation XII, 1817, only, reviving the old laws of 1793 and 1799.

To this report Government sent no reply, and the question remained in abeyance until 1863, when the Commissioner of Patna again raised it by reporting the disorganized state of the putwaries' registers in his division, and asking for instructions. The Board sent up the correspondence to Government, observing that "should the Government be of opinion that the only option in the case lies between a strict adherence to the laws on this subject, and their repeal, the Board has no hesitation in recommending their repeal, except in the province of Orissa, to which the present system and the canoongoes are adapted." Government replied that "the matter had better rest where it is." And so it rested, until two years ago, when the question was again taken up by the present Government.

Recent attempts at resuscitation.

The course to be now adopted is still under consideration. Something has already been done, and with some success, in Orissa. A set of new rules has been prescribed for the canoongoes' guidance, and the Commissioner has lately reported that those rules are working well. He has further remarked that "putwaries, acting under canoongoes, may be converted into useful assistants to the canoongoes, and form a staff at the Collector's disposal for mofussil work. Both canoongoes and putwaries rendered excellent service at the time of the census, and are in fact the Collector's chief sources of information on all points connected with revenue matters." This observation applies, however, so far as the putwaries are concerned, to but a small part of the country, as those officers exist in only 404 out of 5,304 estates in the division. In Behar there are no canoongoes, but there is a large force of putwaries, which efforts have been made during the last few years by the local officers to improve, and bring under control and supervision, and with some measure of success. Throughout the rest of the Lower Provinces nothing has been done, except to arrange for the maintenance of a putwari in each of the estates that have during the last seven months come under fresh settlement, where the revenue of the estate has exceeded Rs. 100 per annum, and to require the settlement-holder to file copies of his accounts in the Collectorate, where the revenue of the estate has fallen short of that amount. In five cases only have putwaries been appointed; and engagements to file papers have been taken from the settlement-holders in twenty-four cases, the aggregate revenue of these settlements amounting to Rs. 770. Operations such as these cannot, of course, accomplish the object in view, nor would they go far towards doing so, if they were carried out in all the temporarily settled estates in the country.

But Government has not yet distinctly affirmed the expediency of taking measures to resuscitate the system generally throughout the Lower Provinces, and before it is affirmed, the following observations are not perhaps unworthy of consideration:—

Propriety of continuing such attempts.

The original object of the legislature in endeavouring to re-constitute the ancient system was, as already quoted from Regulation VIII of 1793, "solely to facilitate the decision of suits in the courts of judicature between proprietors or farmers of land and persons paying rent or revenue to them, and to guard against diminution of the fixed revenue of Government or injustice to individuals, by enabling the Collectors to procure necessary information and accounts for allotting the public jumma upon estates that may be divided." Here there is no evidence of any intention to employ the putwaries in any duties but those of account. The word "solley" seems to indicate a wish on the part of Government to guard specially against the supposition that it entertained any such intention. No such special precaution is apparent in the terms of section 16, Regulation XII, 1817, where the duties to be thenceforward performed by the putwaries are enumerated in detail, though the whole tenor of the section leads to the conclusion that, as before, it was contemplated to employ those officers as accountants only. Still it may be admitted that the phraseology used is very indefinite, and read in connection with section 4, clause 5 of Regulation I, 1819, which permits the Board of Revenue "to make such alteration in the duties to be performed by *canoongoes* as local circumstances shall suggest," it may, perhaps, be held to justify the utilisation of putwaries, wherever found or appointed, for the collection of general statistics,—an object the great importance of which has been justly insisted on of

late by Government. Two distinct questions, then, arise in connection with the expediency of endeavouring to revive the putwari system as prescribed by the old regulations. First,—is it wise now to make an attempt to give practical effect to the provisions of laws passed in the earlier years of our rule, for the purpose of supervising and controlling the relations of landlord and tenant in these permanently-settled provinces, such provisions having been for the purpose in question admittedly a dead letter from the time of their enactment? And second,—can general statistics be more promptly and efficiently collected by a revived putwari establishment on the old model, or by the adoption of other means and agencies?

This view of the matter was brought forward by the Board two years ago, and the member in charge submitted his opinion on both questions in paragraphs 113 and 114 of the Administration Report for 1870-71. After alluding to the heavy expense which had been incurred in an experimental introduction of the putwari system into the Seharanpore district, in the North-West Provinces, and remarking on the probable uselessness of any attempt to get good service out of a body of putwaries, except in conjunction with a supervising staff of tehsildars such as do not exist in Bengal, the report proceeds:—"Still he fully recognises the necessity, not for any interference with the relations of landlords and tenants, but for the acquisition of statistical information on the points referred to in the Government letter above quoted, which information, he considers, could be justly demanded from the zemindars, and which might be demanded without making any such call upon them for details, as would involve the possibility of an interference with them in their relations to their ryot. He would, therefore, suggest the repeal in respect to Lower Bengal of all the existing laws which require the zemindars to appoint and provide for putwaries, and to file with the Collector copies of their village accounts; and, in consideration of their release from this obnoxious duty, would impose on them the responsibility of submitting statistical returns in such form as the Government might direct, subject to the above restriction, and would enforce the submission under such penalties as should ensure correctness, the Government for its part providing in place of the canoongoes such agency as might be deemed necessary for the collation and arrangement of the returns. It is doubtless true that, by alienating their properties in permanent under-tenure, the zemindars have in many instances put it beyond their power to give such information of their own knowledge; but legislation might meet this difficulty by giving them special powers to require returns from their under-tenants, for it is to be observed that the legislature has never recognised any right, on the part of the zemindars, to transfer to their under-tenants any of the duties or responsibilities owed by themselves to the State."

The Member in charge, however, when lately visiting Behar on tour, was struck with the valuable assistance which the Collectors extract from the putwaries there still in existence; and he is now inclined to prefer the retention of the laws providing for their maintenance, so far as those laws are still applicable. Recent orders of Government have constituted establishments of Sub-Deputy Collectors and surveyors, with the necessary staff of assistants, to be employed under the orders of the sub-divisional officers in miscellaneous revenue duties, including the collection of statistics. The Member in charge would use these establishments in Behar and Orissa, as a means in the hands of the Collectors of rendering more useful and efficient the putwaries that still exist in those provinces. In other parts of Bengal, where the putwari system has virtually expired, its resuscitation is impracticable under the present law, owing to the power given by the law of enforcing the remuneration of putwaries having been practically lost with the expiry of the customs regulating such remuneration (section 19 of Regulation XII of 1817). To re-introduce the system in permanently-settled estates would require, therefore, legislative action. But the Member in charge sees no sufficient reason for taking such action; for, as said above, the interference of the Collector in his executive capacity in the relations of landlord and tenant is, in the presence of other machinery for the settlement of those relations, no longer required; and the present law will suffice to provide for any call on zemindars for statistical information. In estates temporarily settled, the case is different, as it is necessary that a correct record should be carefully kept of all alterations that occur during the currency of the settlement; and in all such settlements the Member in charge would maintain the system recently introduced of requiring the appointment of a putwari where the estate is of sufficient extent, and of taking in other cases an engagement from the settlement-holder to keep and furnish the necessary accounts and statements under section 33 of Regulation XII of 1817.

W. LeB.—Reg. No. 13721C—100—4-2-85.

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No. 2155, dated Fort William, the 10th June 1871.

From—Rivers Thompson, Esq., Officiating Secretary to the Government of Bengal in the Revenue Department,

To—The Officiating Secretary to the Board of Revenue, Lower Provinces, Land Revenue Department.

I am directed to acknowledge the receipt of your letter No. 108 A, dated the 25th instant, communicating the remarks of the Board of Revenue on the resolution recorded by the Lieutenant-Governor on their report on the land revenue administration of the Lower Provinces for the year 1869-70.

2. The Lieutenant-Governor would by no means impute carelessness and inefficiency to the Board, being well aware of the great zeal and ability with which they have always performed their duties. He recognized the fact that the form of the report was one which had been long handed down, and if the Board had not had a very exceptionally strong Secretariat, he would have contented himself with asking that the character of the report should be altered for the future. As it is, he must still think that, with such a Secretariat, a more interesting report might have been looked for; but he has no doubt that all his requirements will now be well met as far as it is possible to meet them.

3. With reference to the difficulties suggested, the Lieutenant-Governor readily accepts the proposal that the member-in-charge should only give him, with the report for the past year, such information as he can furnish from his own knowledge, or can compile from available data; leaving the more detailed information, necessary as a preliminary to a new series of reports, to be furnished hereafter, either in a special report, or as part of the report for 1871-72.

4. The Lieutenant-Governor hopes that speedy measures will be taken to collect the information required, which, though very wide in its scope, is not, he thinks, more than the officers responsible for the administration of this great country may reasonable be expected to furnish. The facts stated by the Board regarding the want of permanence in the Collectors, and consequent want of knowledge of their districts, and want of experience in the preparation of such reports as are called for, are very sad. The evil is one which His Honor is well aware of, and will try to the best of his power to mitigate. As a series of questions have been already addressed to the Collectors for the preparation of a gazetteer, and as the Board and the Collectors have of late years been engaged in collecting some statistical information in connection with the statements prescribed by the Government of India in accordance with the recommendation of the Statistical Committee, it is hoped that some materials may be already available, and that the rest may be procurable.

5. The Lieutenant-Governor thinks it important to make a few remarks with reference to the Board's emphatic observation that under the Permanant Settlement Government has altogether abstained from interfering with the landholders in the management of their estates, and that therefore officers are not in a position to report on such management having no means of acquiring information except by many years of residence which it is not generally given them to attain. As matter of history, the Lieutenant-Governor must express his belief that there is some error in this statement if it is intended to mean that the policy and mode of administration indicated were the immediate consequences of the Permanent Settlement. His Honor gathers from the notices in old records, that for many years after that settlement Government did very frequently interfere, and did very perseveringly seek to obtain information regarding the agrarian affairs of Bengal. The Code of 1793 is full of provisions for the protection of the under-tenants and farmers, for the filing of zemindaree and village papers, for the maintenance of village officers, and for the record of property in land. Both on many occasions in those early days, and in not unfrequent occasions to this day, by court of wards' management, attachment, Government purchase, and otherwise, most estates have come under direct Government management. The regulations of 1817, 1818 and 1819, regarding canoongoes and putwarees, very abundantly show that up to that time the Government had by no means in any degree abandoned principles of administration which have prevailed in other parts of India. On the contrary, efforts were then made to re-organize the village and purgunnah officers, and to obtain in the offices of Government the most detailed information regarding all holdings and all payments. The settlement regulations of 1822 and 1833 do not show any change of policy as respects Bengal. Regulation IX of 1833 repeated provisions for enforcing the filing of putwarees' papers in Bengal as well as in the North-Western Provinces, and rendered zemindars who failed in this respect incapable of suing for rent—a provision which remained in force in Bengal till 1859. It seems to the Lieutenant-Governor that it was only at some time subsequent to 1833, and after the separation of the North-Western Provinces, that a school of officers sprang up in Bengal, who adopted and enforced the non-interference system, discouraged, and eventually put down, putwarees, notwithstanding the still subsisting regulations in their favour, and held it not to be the function of Government to interfere and seek information, but rather to let the zemindars and the people settle their affairs in the courts. If the Road Cess Bill is passed, it will be absolutely necessary, in carrying it out, to fall back on the still subsisting regulations, and on the duties of landholders and functions of Government recognised in earlier days. And the Lieutenant-Governor must avow that in asking for information regarding the working of the existing system, the nature of the tenures, the condition of the people, and other matters, he is acting on a view of the duties of Government more consonant with that of the older administrators than with views more recently hold in Bengal. He believes that this view is now held by Her Majesty's Government in England and in India, and he is confident that he will have the very efficient assistance of the member of the Board in acting on it.

H. P.—Reg. No. 109570—100—16-12-84.

DRAFT OF RULES FOR THE APPOINTMENT OF PATWARIES.

No. 313A, dated Fort William, the 14th June 1873.

From—D. J. McNeile, Esq., Offg. Secretary to the Board of Revenue, L.P.,
To—The Secretary to the Government of Bengal, Revenue Department.

With reference to the orders of Government to provide in all future settlements of land revenue for the appointment and maintenance of patwaries in estates where no such office may have been previously instituted, the Member in charge has, in communication with the Commissioner of Patna, framed the accompanying draft of rules on the subject for the guidance of local officers, and desires me to submit them for the approval of Government.

2. I am to solicit the special attention of Government to paragraph 16 of the rules, and to request that the Member in charge may be favoured with the final orders of Government on the question whether patwaries appointed under these rules shall be remunerated by salaries in cash or by assignments of land.

Rules for Patwaries.

In future settlements one or more patwaries shall be appointed under the provisions of Regulation XII of 1817 in all estates the Government revenue of which exceeds Rs. 100, or in which it shall seem fit to the Board of Revenue to appoint them.

2. The patwari shall, at the time of the settlement, be appointed by the Collector on the nomination of the zemindar, or other person with whom the direct engagement for payment of revenue to Government rests.

3. If the zemindar, or other such person, fail to nominate a patwari in such estate or village in which it is provided that one should be maintained, the Collector may, of his own accord, select and appoint a patwari.

4. When a vacancy in the office of patwari is to be filled up, the preference should in general be given to the members of the late patwari's family, but only on condition that any of them be found duly qualified to fill the office.

5. Whenever a vacancy shall occur in the office of patwari, owing to the failure of competent heirs to succeed the late patwari, or otherwise, the persons engaging for the settlement shall be held responsible for the nomination of a person to fill the vacancy, and if the Collector approve of the nomination, he shall confer the appointment; if he consider the person nominated not qualified, he shall pass such orders as may appear to him just and necessary.

6. A patwari may be removed from his office by the Collector on sufficient cause shown therefor to the satisfaction of the Collector by the persons engaging for the settlement of the estate, or by the ryots or undertenants thereof.

7. A register of patwaries shall be kept in the Collector's office, in which the names of all persons appointed as patwaries, as well as all punishments inflicted on such patwaries, shall be entered. One of the ministerial officers shall have charge of the register, and shall be held responsible for its being correctly kept.

8. Persons engaging for the settlement, who may fail to nominate a patwari on a vacancy occurring, or may remove a patwari from office without the authority of the Collector, shall be liable to the penalties respectively prescribed in sections 11 and 12 of Regulation XII of 1817.

9. The duties of a patwari are detailed in section 16 of the above regulation. In accordance with that section the Board of Revenue now declares that the papers of the villages in his circle, to be required from a patwari, are the following:—

1*st*.—The annual balance sheet of village.

2*nd*.—The register showing detail of holdings by, and rights of, istemrar and mouroosee ryots.

3*rd*.—Register showing details of holdings by, and rights of, thanee ryots.

4*th*.—The same of occupancy ryots.

5*th*.—The same of tenants-at-will.

6*th*.—The same of lakhirajdars.

7*th*.—The same of jagirdars.

The above papers shall be prepared in the forms herewith annexed.

10. These papers are to be drawn out by the patwari and submitted to the district or sub-divisional collectorate office, as may be ordered, on the 1st of Cheyt each year, or on such dates as the Collector may consider most convenient with reference to the revenue arrangements, crops, &c., of the district.

11. Besides the above papers there shall be a six monthly balance sheet in the same form as No. 1, which shall be prepared by each patwari, and filed on the 1st of Asin and on the 1st of Cheyt, or on such dates as the Collector may prescribe as above directed in each year, showing respectively in a distinct form the produce of, and the settlement of, accounts relating to the Khureef and rubbee crops preceding. The paper when delivered in to the collectorate shall be paged, signed, and sealed by the Collector's assistant, or such person as the Collector may direct to perform such duty, and shall be kept under charge of the officer whom the Collector may appoint for such purpose.

12. Whenever summoned by the Collector or other authorized officer on any matter connected with the duties of his office, the patwari shall attend at the time and place

appointed, and shall produce all accounts relating to the lands, produce, rents, collections, and charges of the village, which he may be called upon to produce.

13. Every attempt should be made to secure the consent of the ryots and the person to whom their rent is paid to an arrangement whereby the patwari may be present at the annual or biennial auditing of the accounts, or at least to the attestation by him of receipts given on payment of rent, and it shall be the duty of the patwari before attesting any receipt to see that it is full, clear, and correct, and to note the amount of the payment in his accounts.

14. It shall be the duty of the patwari to carry out any orders issued to him by the Collector or other authorized officer, with reference to the collection of statistical information in the village or villages to which he is appointed, or to the survey and measurement of lands by order of a competent court or officer, or to other duties connected with his office.

15. Failure on the part of a patwari to obey any order issued to him in writing by an authorized officer of Government, which does not in the opinion of the Collector necessitate his immediate removal from office, or which requires severer punishment than mere removal, may be dealt with as laid down in the 23rd to 27th sections of Regulation XII of 1817, or under the Penal Code.

16. At the time of settlement provision should be made for the remuneration of the necessary number of patwaries to be maintained in the estate. The scale of remuneration should be in the following scale :—

For estates of which the Government revenue has been—

From Rs.	100 to	300	...	Rs. 2
" "	300 to	600	...	" 2-8
" "	600 to	1,000	...	" 3
	above	1,000	...	" 3-4

If the remuneration be made in the shape of grants of rent-free lands, the quantity and quality of the lands granted should be such as to yield to him equivalents to the sums above stated. An engagement shall be taken from the zemindar of every estate in which a patwari has been appointed, to deposit the patwari's salary in the collectorate along with the Government revenue, so that the patwari shall receive his salary from the Collector or the sub-divisional officer, as the case may be.

17. In the settlement of all estates for which it may seem inexpedient to arrange for the appointment and maintenance of a patwari, an engagement shall be taken from the zemindar or other person entering into direct engagement with the Government, to submit to the Collector or sub-divisional officer the several registers and papers mentioned in paragraphs 9 and 11 of these rules, and such other accounts or statements as the Collector may direct, and such zemindar, or other person, shall be subject to the various rules framed for patwaries under Regulation XII of 1817, in accordance with the provisions of section 33 of that regulation.

18. All orders passed by the Collector shall be appealable to the Commissioner, and the orders of the Commissioner shall be subject to the revision of the Board.

No. 1.

NOTE.—No payments shall be credited to current kists till the balance shown in column 8 shall have been liquidated.

Annual balance sheet of Mehal *pergunnah* *for the year* 12 *corresponding with* 18 .

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Name of pergunnah.	Name of mehal.	Name of zemindar.	Name of undertenant.	Name of ryot.	Bhowlee tenures.		Balance due from last year.	Amount received on account of this balance.	Amount.					Realized.	Remitted.	Balance.	Remarks.
					Amount of produce of such bhowlee tenure.	Quota of such produce due to the landlord.			Kist Asin.	Kist	Kist Magh.	Kist Chyt.	Total.				

PATWARI

... Collector.

No. 2.

Register showing the details of holdings by, and rights of, ryots and others, holding at fixed rent in the circle of Patwari for the year 12 corresponding with the year 18

First Part—Detail of Istemrar and Mouroosee ryots.

1	2	3	4	5	6	7	8
Name of mehal and pergunnah.	Name of mouzah.	Name of ryots.	Area of each field held by ryot, with survey number.	Amount of rent.	Date of pottah and name of person granting the pottah.	Note of mutation.	REMARKS.

PATWARI.

Collector.

No. 3.

Register showing the details of holdings by, and rights of, ryots and others, holding at fixed rent in the circle of Patwari for the year 12 corresponding with the year 18

Second Part—Detail of Thance ryots.

1	2	3	4	5	6	7	8
Name of mehal and pergunnah.	Name of mouzah.	Name of ryots.	Area of each field held by ryot, with survey number.	Amount of of rent.	Date of pottah, and name of person granting the pottah.	Note of mutation.	REMARKS.

PATWARI

Collector.

(4)

No. 4.

Register showing the details of ryots having rights of occupancy in the Circle of *Patwari*
for the year 12 *corresponding with the year* 18

Third Part—Details of Ryots having rights of occupancy.

1	2	3	4	5	6	7	8	9	10	11
Name of mehal and pergunnah.	Name of moonah.	Name of ryots.	Bhowlee Tenures.		Amount of land and number of survey.	Jumma.	Date of pottah and number of survey of the pottah, if there be one.	Period of occupation.	Note of mutation.	Remarks.
			Amount of produce of such bhowlee tenure.	Quota of such produce due to the landlord.						

Patwari.

Collector.

No. 5.

Register showing the details of holdings by, and rights of, ryots in the circle of *Patwari*
for the year 12 *corresponding with the year* 18

Fourth Part—Details of Tenants-at-will.

1	2	3	4	5	6	7	8	9	10
Name of mehal and pergunnah.	Name of moonah.	Name of ryots.	Bhowlee Tenures.		Amount of land and survey number.	Jumma.	Date of pottah.	Note of mutation.	Remarks.
			Amount of produce of such bhowlee tenure.	Quota of such produce due to the landlord.					

Patwari.

Collector.

No. 6.

Register of Lakheraydars under *Patwari for the year* 12 *corresponding with the year* 18

First Part—Details of Lakheraydars

1	2	3	4	5	6	7
Name of mehal and pergunnah.	Name of mouzah.	Name of lakheraydars.	Area of each field and survey number.	Total area.	Note of mutation.	REMARKS.

PATWARI.

Collector.

No. 7.

Register of Jagirdars under *Patwari for the year* 12 *corresponding with the year* 18

Second Part—Details of Jagirdars.

1	2	3	4	5	6	7
Name of mehal and pergunnah.	Name of mouzah.	Name of jagirdars.	Quantity of land.	Jumma.	Note of mutation.	REMARKS.

PATWARI.

Collector.

J K S —Reg. 10986C—100—15-12-34.

No. 314A, dated Fort William, the 14th June 1873.

From—D. J. McNeile, Esq., Offg. Secretary to the Board of Revenue, L. P.,
To—The Secretary to the Government of Bengal, Revenue Department.

I am directed to solicit the further orders of Government in regard to the patwari establishments in Behar.

2. In paragraph 49 of the Resolution on the Board's Administration Report for 1870-71, the Lieutenant-Governor expressed a hope that "the efforts already made by the Commissioner of Patna to render the patwaris more independent would be successful." His Honor also signified his concurrence with Mr. Jenkin's opinion that "to make the patwari system fully efficient, canoongoes also are required, and that there should be in Collectors' offices proper records of the rights of all parties."

3. These remarks were not supplemented, and have not since been supplemented, by any direct orders enjoining the systematic reconstitution of the patwari body, or the appointment of canoongoes in Behar; and as the Member in Charge had proposed, in paragraph 114 of the Administration Report upon which the Resolution above quoted was passed, an alternative scheme for effecting one of the principal objects sought to be attained by a resuscitation of the patwari system, he has understood that the subject remained under the consideration of Government, and that orders would be issued in due time.

4. The Commissioner of Bhagulpore, however, acting on the views expressed by Government in the Resolution, directed the Collector of Monghyr, in February last, to revise and write up his patwari registers, calling upon the zemindars of his district for the necessary returns. He reported these orders to the Board, and inquired whether the re-utilisation of the patwari establishments was to stop at the completion of the patwari registers, or whether any further steps were to be taken in accordance with the expressed views of Government to reorganise the whole system by the appointment of canoongoes or otherwise. This reference led to an inquiry in regard to the actual present state of the patwari establishment in Monghyr, and the following information has been received on the subject.

5. Canoongoes are unknown in Monghyr; and it appears that to all intents and purposes the patwari has been a dead letter in the district. Occasionally the appointment of a patwari has been reported, but no other provision of the law has been carried out.

6. There are in all 4,211 estates in the district, and the register shows that, during the past 44 years, 1,574 patwaris only have been appointed, many of whom have probably passed away or have resigned. The exact number of patwaris now in the district cannot therefore be ascertained. The oldest inhabitants can give no information worthy of record on the subject of patwaris. The Commissioner states, "from knowledge gained at the census," that "every estate is in charge of a patwari, though the same patwari may be in charge of several small estates, or an undivided estate may be served by several patwaris."

7. The patwaris in Monghyr keep the accounts of the estates in their charge; but they are also not unfrequently employed in collecting rent, measuring lands, and indeed are expected to perform whatever duties the zemindar imposes on them. They are usually remunerated by a commission of six pies per rupee on the collections in the estate, and occasionally receive a salary paid in cash or kind.

8. The Member in Charge now solicits orders both in respect to the Monghyr district and to the rest of the Behar provinces where patwaris, though in a disorganised state, are still found generally in existence. With my letter No. 313A of this date has been submitted a set of rules for the appointment and regulation of patwari establishments in newly settled estates throughout the country; and should Government see fit to direct a fresh attempt to reconstitute the ancient system throughout Bengal, or in the Behar provinces, those rules with any modifications which may be deemed expedient may be adopted and enforced, and the necessary notices issued to the zemindars of the districts to which the rules may be made applicable. They might be applied throughout the Patna Division, and the Bhagulpore Division exclusive of the Sonthal Pergunnahs. I am, however, to bring to the notice of Government one difficulty, which must be met if the general revival of the patwari system be attempted. The collection of fresh records will be on a very large scale. The Commissioner of Patna points out that in the Tirhoot district, where there are 7,337 villages, the number of registers required by the rules will be 51,359, and the number of half-yearly balance sheets 14,674. These are figures that point to the provision of extra record-room accommodation, with its attendant expenditure.

C. F. G.—Reg. No. 10927C—100—15-12-84

No 2525, dated Calcutta, the 20th September 1873.

From—The Offg. Secy. to the Govt. of Bengal, in the Revenue Department,
To—The Secretary to the Board of Revenue, in the Land Revenue Department.

I AM directed to acknowledge the receipt of your letters Nos. 313A and 314A, dated 14th June, enquiring whether the Government desires that putwarees should be reorganized all over Behar, and submitting draft rules for the guidance of putwarees and the regulation of their duties.

2. In reply, I am to state that the Lieutenant-Governor does desire to reorganize the putwaree system, as prescribed by the old regulations, in the two divisions of Behar and Orissa, and possibly in the Cooch Behar and Rajshahye Divisions and in Sylhet. In affecting this reorganization, he would wish the Board and the local officers to adhere as closely as possible to the scheme prescribed by the old regulations. That scheme was, in brief, that there should* be a canoongoe paid by Government for every pergunnah or group of pergunnahs; that there should be a putwaree† for every village or circle of villages paid at rates and in manner as the Collector might find to be conformable to the custom of adjoining villages, or might prescribe. The duties of the canoongoes were‡ to keep accounts of attached estates and of rent-free tenures; to keep a list of putwarees and of pottahs granted by landholders to their under-tenants; to compile information regarding boundaries, rates of produce and rent, rules and customs, and generally to furnish local information; to assist at measurements of lands; to prepare, keep such accounts as might be directed; to report deaths of malgoozars, names of heirs, and keep registers of successions. The duties of putwaree were§ to keep registers and accounts of his village or circle according to custom or according as the revenue authorities might appoint; to deliver every half-year to the canoongoe a complete copy of such registers and accounts, showing distinctly the produce of the khurreef and rubbee harvests; and to perform other customary duties and services.

* Regulation VIII of 1793, section 34.

† Regulation XII of 1817.

‡ Regulation IV of 1808, section 6.

§ Regulation XII of 1817, section 16.

The Lieutenant-Governor considers that we cannot do better than follow the scheme of the regulations as far as our means and circumstances permit; and he believes that the reorganization of the canoongoe and putwaree will, to use the words of the preamble to Regulation IV of 1808, "render much public benefit."

3. The Government has during the last year added to the staff at nearly every sub-division an officer called canoongoe, whose aid will enable the sub-divisional officer to deal with putwarees as required by law. In Orissa, where there is already an excellent establishment of canoongoes, and in Assam, where the whole country is parcelled out into mouzahdars' circles, this addition to the sub-divisional staff was not required.

4. The Lieutenant-Governor considers that it will certainly be desirable to attach each putwaree to a *village* or circle of villages, as required by the regulation, rather than to an *estate* or part of an estate. In this way the putwaree will become the officer of the village; and we shall avoid the inconvenience and harassment to the people caused when ten or twelve co-sharers have each their putwaree, operating in the same village and upon the same ryots. Seeing that the old pergunnah boundaries are fallen much into disuse, and that our administrative unit is now the thannah, the Lieutenant-Governor considers that any redistribution of putwarees' circles must be made by thannas rather than any pergunnahs. Each putwaree should have the villages of his circle, if he have more than one village, close to each other, as far as may be, so that he may reside in their centre.

5. So far as the remuneration of putwarees is concerned, Collectors must be guided by the regulations; they must ascertain the custom of the neighbourhood. If necessary, they can modify or formulate the local practice. The rate which has been stated to be common in Behar, of six pie or half an anna for each rupee of rent, seems to be fair enough. The Lieutenant-Governor does not desire that existing village putwarees should be disturbed; but wherever putwarees' circles must necessarily be redistributed, or when vacancies occur, opportunity should be taken to arrange so that each putwaree should have a village or cluster of villages, paying, say, from Rs. 2,500 to Rs. 4,000 of gross rent. The putwarees' wages for such a circle would be from Rs 75 to Rs. 120 a year. Where putwarees already get (besides their money wages) from the ryots certain customary dues in kind at harvest or other seasons, such custom would ordinarily be respected.

6. Unless the Board see any objection, the Lieutenant-Governor would wish that the duty of giving effect to the present orders, and to any others the Board may see fit to issue upon this point, should be entrusted to sub-divisional officers, who will carry out the necessary revision of putwaree lists, &c., through their new executive establishments and subject to the supervision and control of the Collector

The first step would be to carry out previous orders and to reorganise the putwaree staff on Government estates and wards' estates. Here at any rate there can be no opposition and no difficulty. While the reorganization on those estates is going on, the sub-divisional officer will be obtaining from the rest of his jurisdiction lists of all the existing putwarees, with details of their circles, their emoluments, their place of abode, and the time for which they or their ancestors have held the office. When the putwaree arrangements of Government

estates and wards' estates are nearly complete, the sub-divisional officer can turn his attention to the zemindaree villages and take up the putwaree reorganization there thannah by thannah. The whole business will necessarily take some time; but the sub-divisional system has been so very thoroughly introduced in Behar and Orissa, and the new executive establishments, or the staff of canoongoes in those divisions is so strong and complete, that there should be no difficulty in carrying the matter through.

For the present the Lieutenant-Governor would propose that the putwarees' periodical village papers should be filed, checked, and deposited in the sub-divisional record-room under the canoongoe's supervision, and that old papers should be sent into the Collectorate periodically; perhaps it would suffice if putwarees' papers were sent into the sudder when they were two years old, two years' papers being always kept in the sub-divisional record-room. As the Board is aware, the custom in the North-Western Provinces has long been for the putwaree to file two copies* of his annual papers, &c., one copy being deposited in the tehsil (that is, in the sub-divisional office), and one copy in the Collectorate. But for the present at any rate we may, the Lieutenant-Governor considers, be content with one copy of the village papers. Under section 13 of Regulation IX of 1833, which was passed after putwarees and the putwaree system had been more or less discouraged in Bengal, annual papers have usually been held to be sufficient in the North-Western Provinces; and this system may be adopted instead of the half-yearly papers prescribed by the regulations.

* See Regulation IX of 1833, section 12.

7. I am now to turn to the draft rules which were enclosed with your letter No. 313A, and which, as the Board observe, can, when finally approved, be applied to ordinary village putwarees, as well as to putwarees on Government estates and wards' estates.

In the first place, the Lieutenant-Governor would, as has been above said, take the *village* as the unit instead of the *estate*. In the northern parts of the Rajshahye Division it might perhaps be objected that it is difficult to know what a village is, as every jotedar or big ryot lives on his own farm and under his own bamboo clump. But in Behar at any rate there will be no difficulty of this kind; the village (with or without its tolahs or parahs) is as distinct an entity as in Hindoostan. And in Orissa too the village unit is, the Lieutenant-Governor believes, fairly distinct and clear.

Then, secondly, the putwaree circles should be grouped geographically according to thannahs instead of according to pergunnahs. And, as also has been said, the Lieutenant-Governor would require from the putwaree annual papers only, and not half-yearly papers.

8. In regard to the registers which the Board propose to prescribe, and copies of which are to be filed yearly, the Lieutenant-Governor concurs in the Board's view, that our record-rooms would be swamped if we were to receive and file, annually or half-yearly, six sets of registers for every village in the country. As has been already said, annual village papers will fully answer the requirements of the Government; and further the Lieutenant-Governor considers it is not by any means necessary to ask for six sets of papers from every village. He apprehends, moreover, that the plan of six registers, one for each class of holders, is open to exception in principle. The putwarees cannot be directed to make a settlement, to decide and record rights, and then put each holder into the register to which he rightfully belongs; they can only, within their function as village accountants, record existing facts. Such facts will gradually accumulate to show rights; but the putwarees cannot be empowered or entrusted directly to decide and record such rights. Under this view it would not be necessary to have separate registers for "ryots holdings at fixed rates," "occupancy ryots," and "tenants-at-will." All that we need require is that putwarees—

(1) should record the holdings, rents, and all payments of each ryot for each year; and file in the sub-divisional office a statement made up from his books showing in an abstract form these facts as soon as possible after the close of the agricultural year. The register and its copy should also show crops sown by each ryot as far as may be possible for the year under reference;

(2) should keep a register showing the mutations of proprietors, sub-proprietors, lakhirajdars, and ryots during the year;

(3) should keep a register of pottahs granted during the year.

9. If the Board agrees to the above view, then the putwaree would have only three registers to keep, and only one annual return to file in the sub-divisional office. On page 5 is a form which is suggested for the register of each ryot's account current. If this form or any modification thereof be adopted, it will be necessary to have a considerable supply of lithographed Hindee and Bengalee forms kept at every sub-division for distribution. For the first year or so they would have to be distributed gratis. The only return which the putwaree need file at the sub-divisional office would be an extract from this register giving the totals for each ryot, and giving at the end of the village return the total area put down, with each crop for the whole village.

The two other returns, namely—

(2) the register of mutations,

(3) the register of pottahs granted,

might be in something like the forms given on the pages 6 and 7 of this letter; but it would not be necessary for the putwaree to file extracts or copies of these registers. Both these registers would go on year after year in the same book, and bound volumes of lithographed forms for these registers could be distributed. The columns of the suggested forms have been filled with entries, as the entry of names and columns seems the best and speediest way of

explaining the object of a column. For *districts* or villages where there may have been a field survey the "No." "name," and "area" of each field could be entered and the rent payable thereon. Where there had been no field survey, the area of the field or of the ryot's holding would be entered in such detail as the putwaree might be able to give for column 5 of the account current.

10. The Lieutenant-Governor does not at all wish to prescribe these forms authoritatively for immediate and general adoption; he merely suggests them for the consideration of the Board and revenue officers. His impression is that, under the differing circumstances of distant provinces like Behar, Sylhet, Orissa, and Rungpore, it may be inexpedient to insist upon precisely the same form of village register and village return for all provinces. At any rate, he would recommend that no form should be actually and finally adopted until the Commissioners shall have had time to try the forms which may be suggested, and to obtain the opinions of their best European and native revenue officers thereon.

11. In regard to the rules which the Board have drafted, the Lieutenant-Governor's view is that, as the Board very rightly rest these rules upon, and largely adopt the words of the old regulation, it would be better to do so avowedly, and not to alter its words. Nothing can, the Lieutenant-Governor thinks, be better than the old regulation; and he would suggest that the Board's rules now to be issued should set out so much of the regulation as we may now adopt and follow; and should then add such further rules as may be required regarding the forms or regarding general matters (*e.g.* the subject of draft rules 13, 14, 16, 17, and 18).

12. The Lieutenant-Governor would now ask the Member in charge to issue orders for reorganizing the putwarees of the Patna and Bhagulpore Divisions; to consult the Commissioner of Orissa how far the putwarees are already organized in Orissa; and to arrange for reorganization in Sylhet and in the Cooch Behar Division. The Commissioner of Rajshahye should also *specially* report on the possibility of putting these instructions in force in his division; and the present letter of Government, and the suggested forms, can be forwarded to all Commissioners for experimental adoption, together with such rules as the Member in charge may see fit to issue on the basis of the next foregoing paragraph.

Annual account current of the village of "Pachwaie," Thannah "Bhojpore," Pergunnah "Bhojpore," of the District "Shahabad," for the Agricultural Year 1282, corresponding with 1874-75 A.D.

SARODA PERSAD, *Putwaree.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Name of estate and zemindar to which the village belongs.	Name of under-holder or farmer, if any.	Name of pattedar or co-share or representative shareholder to whom rents are payable.	Name of ryot, with father's name.	Quantity of land held by each ryot, with detail of fields.	MONEY RENTS. Rent payable.	Balance due from previous years.	Total rents due.	Payments made, with detail of date of each payment and totals.	Balance (if any) due at end of the year.	Amount and kind of produce of each field.	CORN OR BHOWLEE RENTS.* Amount thereof due to rent receiver, inclusive of all cesses.	Balance brought over from last year.	Total due.	Amount and date of each payment.	Balance due at end of the year.	Crop sown by each ryot, with area, &c.	Remarks showing any payments made subsequent to the year of account, and stating specially the local beegah of the village.
				B. C. Ch.	Rs.			Rs. A. P.								B. C. Ch.	
Rajah Pahar Sing, Zemindar of Mohal Kurhurbaree.	Bhoop Chand, tahadar of a five-year lease.	Bhoop Chand.	Tejee Sing, son of Zalim Sing, Rajpoot.	Kalee ... 3 4 0	Kist Aswin ... 2	5	...	Baisakh, S 15 ... 2 8 0	...	.....	...	...	...	.....	.....	Early rice 4 3 0	The village beegah is measured with a lugge of six hâths, and equals about 1/16 of an acre.
					,, Bhadon ... 2			Assar, B 3 ... 2 0 0	...	.....	...	...	...	.....	.....	Late rice 2 0 0	
					,, Kartik ... 3			Bhadon, S 12 ... 3 0 0	...	.....	...	...	...	.....	.....	Sugar ... 1 0 0	
				Kunkeree ... 1 2 0	,, Poos ... 3			Kartik, S 1 ... 1 0 0	...	.....	...	...	...	.....	.....	Opium ... 0 8 0	
					,, Magh ... 4			Poos, S S ... 2 0 0	...	.....	...	...	...	.....	.....	Gram ... 4 0 0	
				Zardee ... 4 0 0	,, Cheyt ... 3			Magh, B 13 ... 8 8 0	...	.....	...	...	...	.....	.....	Vegetables 0 3 0	
								Cheyt, B S ... 3 0 0									
				8 6 0	12	5	24	22 0 0	2	.....	...	...	...	.....	.....	11 14 0	
										mds.	mds.		mds.				
				Popee ... 1 0 0	.....	...	...	.....	...	Dhan (early) 18	9			Kartik, B 12 ... 6 mds. dhan		.....	Out of the 8 maunds balance at the end of the year, 4 maunds were remitted by Bhoop Chand in consideration of Bapoo Powar's son having been married during the year.
			Bapoo Powar, son of Poorree.							Wheat ... 8	4	5 mds. of wheat		Agan, S 8 ... 3 ,, ,,	mds.		
				Hirun ... 4 1 6	.....	...	...	.....	...	Gram ... 6	3			Baisak, S 1 ... 7 ,, arhur	Arhur 2		
										Arhur ... 18	9			Cheyt, B 2 ... 3 ,, gram	Wheat 6		
														,, S 3 ... 3 ,, arhur			
				Phowra ... 2 1 0	.....	...	...	.....	...	Janera ... 16	8			Magh, B 9 ... 8 ,, jawar			
				7 2 6	.....	...	...	.....	...	.....	33	5	38	30	8		

* The columns 12-17 need be inserted only in places where corn rents prevail.

Register of Mutations (naksha dakhil kharij) of the village of "Pachwaie," Thannah "Bhojpore," Pergunnah "Bhojpore," of the District of "Shahabad," for the Agricultural Year 1282, corresponding with 1874-75 A.D.

SARODA PERSAD, *Patwaree.*

AMONG ZEMINDARS AND SHAREES IN ZEMINDAREE.			AMONG SUB-HOLDERS AND SHAREES IN SUB-HOLDINGS.			AMONG LAKHIRAJDARS AND VILLAGE SERVANTS.				AMONG RYOTS.			
Name of out-goer.	Name of in-comer.	Circumstance of transfer and detail of rights.	Name of out-goer.	Name of in-comer.	Circumstance of transfer and detail of rights.	Name of out-goer.	Name of in-comer.	Circumstance of transfer and detail of rights.	Number, name, and area of fields concerned.	Name of out-goer.	Name of in-comer.	Circumstances of transfer and detail of rights.	Number, name and area of fields concerned.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Pahar Sing	*Zorawur Sing.*	*Full proprietary right in the mehal of Kurhurbaree, to which the village Pachwaie belongs, passes to Zorawur Sing on the death of his father, Pahar Sing.*	*Khuda Buksh*	*Bhoop Chund*	*Khuda Buksh's seven years' teka being over, the teka of Pachwaie was granted from the end of the year 1281 Fuslee to Bhoop Chund on a five years' lease.*	*Hemraj Brahmin*	*Pemraj* ...	*The deotur grant held by Hemraj passed on his death to his brother.*	*No. 25. Googoose.* B. C. Ch. 2 0 1	*Ramoo Kohiree* ...	*Pulsoo Kohiree* ...	*Ramoo was in debt, and has sold his bullocks; he therefore transferred all his fields to his wife's nephew on condition of his paying yearly to Ramoo 12 maunds dhan and 6 maunds janera.*	*No. 87. Marwa.* B. C. Ch. 6 1 0 *No. 38. Bophin.* B. C. Ch. 2 6 1 *No. 101. Chassee.* B. C. Ch. 3 1 7
						Faizoo ...	*Churamun*	*The chokidaree grant passed to Churamun, the new chokidar, who was appointed by the Magistrate in place of Faizoo, imprisoned for cattle-theft and dismissed office.*	*Nos. 28 and 42. Kalee and Parkee.* B. C. Ch. 1 3 0 4 2 1	*Bujjoo Halwaie*...	*Dhanoo Powar* ...	*Bujjoo's field had been long mortgaged to Dhanoo; during the past year Bujjoo had to give up farming and become a field servant to Pemraj. Dhanoo therefore took possession of the field, paying Rs. 5 to Bujjoo over and above the amount of the mortgage loan, which was wiped off by Dhanoo's taking the field.*	*No. 81. Halwaie.* B. C. Ch. 5 1 6

Register of Pottahs granted in the village of "Pachwaie," Thannah "Bhojpore," Pergunnah "Bhojpore," District "Shahabad," during the Agricultural Year 1282, corresponding with 1874-75 A. D.

SARODA PERSAD, *Putwaree.*

Name and status of person granting the pottah.	Name of person receiving the pottah	Date of its grant and its term.	Condition of the Pottah.				
			Number, name, and area of fields granted.	Annual rent, inclusive of cesses.	Detail and date of instalments, inclusive of cesses.	Share of produce to be payable, inclusive of all cesses if the rent to be payable in kind.	Month during which the shares will be payable
				Rs. A. P.	Rs. A. P.		
Bhoop Chund, tekadar	*Zemoo - Kolmer, son of Sarjoo.*	*Baisakh, S 10, 1282, for five years, Rs. 15 salamee paid.*	*No. 18. Beshwee. B. C. Ch. 3 2 1* *No. 26. Peelee. B. C. Ch. 1 6 9*	13 8 0	*Assar B 6 3 0 0* *Kartik B 3 3 0 0* *Magh S 6 6 0 0* *Cheyt S 6 3 8 0*		
Jankee Persad, agent of Pahar Sing, zemindar.	*Lingoo Kacchee, son of Tahir.*	*Cheyt, S 13, for 3 years, Rs. 8 salamee paid.*	*No. 95. Aghance. B. C. Ch. 5 1 0* *No. 96. Imlai. B. C. Ch. 2 1 0*	22 0 0	*Assin B 6 3 0 0* *Kartik B 3 4 8 0* *Magh S 6 10 8 0* *Cheyt S 6 4 0 0*		
Bhoop Chund, tekadar	*Rama Koormee, son of Jeytoo.*	*Cheyt, S 14, for one year.*	*No. 100. Saoree. B. C. Ch. 3 1 0*	.....	.....	*Half share of dhan, janera or wheat; two-fifths share of cotton.*	*Early rice, in Aswin. Late rice, in Magh. Janera, in Magh. Wheat, in Cheyt.*

J. E. S.—Reg. No. 10928C—100—16-12-84.

No. 610A, dated Fort William, the 26th October 1875.

From—J. Geoghegan, Esq., Offg.. Secretary to the Board of Revenue, L.P.,

To—The Secretary to the Government of Bengal, Revenue Department.

From Commissioner of Rajshahye, No. 100, dated 17th July 1875.

From Commissioner of Patna, No. 386R, dated 16th July 1875, and enclosures.

From Commissioner of Bhagulpore, No 406GR., dated 24th February 1875, and enclosures.

With reference to the correspondence ending with Government order No. 2262, dated 7th November 1874, I am desired to submit, with the following observations, the accompanying copies of the reports noted on the margin, which have been received from the Commissioners of Rajshahye, Patna, and Bhagulpore, on the subject of the reorganization of the putwaree system in their respective divisions.

2. *Rajshahye Division.*—It will be seen from his letter that the Commissioner of Rajshahye considers the reorganization of the system on a sound basis impracticable in his division, being of opinion that the appointment of putwarees would be attended with disadvantages which would more than counterbalance the benefits arising from their employment.

3. The grounds for that opinion are that, for the reasons assigned by him, putwarees could not be expected to be honest, independent, or thoroughly reliable.

4. These grounds, if true, would militate against their appointment not merely in that division but throughout all others.

5. From the class of men from whom putwarees have to be selected on the scale of remuneration which alone can be secured to them, it is hopeless to expect to secure in them in any great degree the high qualifications of honesty, independence, and reliability. It has been found, however, that advantage can be derived from such a class of demi-officials where the system has existed and been maintained in consonance with the feelings of the village community, and where that community brings public opinion to bear in support of the system and on the due discharge of its duties.

6. It will be observed that but little trace remains in his division of the existence of village communities, while in the district of Dinagepore alone "putwarees still prevail," though even there they have degenerated into mere rent collectors and servants of the zemindar.

7. Such being the case, the Member in charge is of opinion that little, if any, permanent advantage would result from an attempt to resuscitate the putwaree system in the Rajshahye division, the maintenance of which, as shewn in the 4th paragraph of the Commissioner's letter, would be attended with great expense to Government without any equivalent advantages.

8. *Patna Division.*—In this division the system is at present on a far different footing. Putwarees have been maintained therein from the first in the various districts with various degrees of efficiency, and have proved most useful.

9. Although the regulations relating to putwarees have not been carefully maintained in their full force, yet the efficiency of this class has been to a great extent preserved, and their reorganization on a more perfect footing will be, as the Commissioner observes, a matter of no great difficulty.

10. That reorganization the Member in charge would effect in the manner proposed by Mr. Bayley:—

(*a*)—One district should be selected as the field for the introduction of the new system, and the Member in charge would prefer that of Patna for the reasons given in the 20th paragraph of his letter.

(*b*)—Lists of putwarees should be prepared by thanas in the manner suggested in that paragraph, and forwarded to the zemindars, together with notices to the effect therein proposed.

(*c*)—From the lists, after revision by the Sub-Divisional Officer, complete registers of the putwarees in the sub-division should be prepared by the Sub-Deputy Collector and the *canoongo*, and forwarded to the Collector for incorporation with the sudder register of putwarees.

(*d*)—Each putwaree should receive a sanad of appointment from the Collector, and also lithographic forms of the registers required to be kept, and of the abstract to be filed, by him.

(*e*)—The putwarees and their registers, &c., should be supervised by the Sub-Divisional Officer through his executive establishment, and he himself should take the opportunity of his cold-weather tours to inspect the putwarees.

11. The Commissioner suggests that Maulavi Daliluddin should be directed to draw up a short and simple set of rules for the guidance of the putwaris, which, after approval by the Board, might be lithographed in Hindi and given, together with sanad of appointment, to each putwari.

12. The Member in charge would further strongly recommend that the Moulvi, who has given great attention to this subject, should be transferred to the Patna district, in view to his being placed in charge of the road cess duties therein, in order that the supervision of the putwaree arrangement might be placed in his hands.

13. The Member in charge is certain that in the course of the effective performance of those duties much would be learned which would subsequently conduce to the easy introduction of the system into the other districts of Behar.

14. From the experience the Member in charge has acquired in the introduction of the road cess, he ventures to hope that many difficulties which at first appear almost insurmountable will disappear on being boldly faced, and that little of a legal nature will be experienced in introducing a reorganization of putwarees throughout Behar on the basis proposed.

15. He therefore solicits the sanction of Government to the measures proposed in paragraph 11 above.

16. In preparing the lists any legal difficulties that may occur with reference to the distribution of putwarees or on other points will present themselves, and the Government will then be in a position to seek, if necessary, the aid of the legislature for their removal before extending the scheme to the other districts of Behar.

17. During the preparation of the lists, the Member in charge will, in communication with the Commissioners, reconsider and submit for the approval of Government amended rules and registers, if necessary, in place of those which have been issued for the guidance of putwarees.

18. *Bhagulpore Division.*—In the Bhagulpore Division the putwarees have been maintained, though not to the same extent as in that of Patna. The system, however, still shews sufficient vitality to render its reorganization feasible.

19. The Member in charge therefore solicits the permission of Government to introduce the same measures as those proposed in paragraph 11 for the Patna Division, the district of Monghyr being selected as the field of operations.

No. 100, dated Darjeeling, the 17th July 1875.

From—F. R. Cockerell, Esq., Commissioner of the Rajshahye Division,

To—The Secretary to the Board of Revenue, Lower Provinces.

With reference to your No. 739A of the 21st November 1874, I have the honour to state that the Collectors as well as several other gentlemen, both official and non-official, in the different districts of this division, have been consulted on the subject of reorganizing the *putwaree* system in the Lower Provinces of Bengal, and that though all admit the advantages that would result from the reorganization of such a system as would secure a trustworthy record of tenant rights, and as would provide a *reliable* Government agent in every village, yet I find there is a general consensus of opinion that the establishment of such a system is impracticable, and the appointment of *putwarees* would be attended with disadvantages that would much more than counterbalance the good effects that would result from their employment. As the advantages of the system are apparent and need no demonstration, I proceed to detail here the principal objections to the proposed system which have been put forward in the course of this enquiry, and to point out the evils that it is alleged would be the inevitable concomitants of its introduction.

2. In the first place it is urged, and I fear with too much truth, that no *putwarees* we could appoint would be either honest, independent or thoroughly reliable. A *putwaree* in Bengal would always be the partizan either of the zemindars or of the ryots. He would have three masters to serve, *i.e.*, the zemindar, the ryot, and the Government, and there can be no doubt that the objects which the Government has in view in seeking to re-establish the *putwaree* system would be wholly subordinated to the interests of the zemindar or the villager, where either might be found antagonistic to those objects. In those districts in Eastern Bengal and the Rajshahye Division in which the landlords and their tenants have come to open war, both parties would aim at winning over the *putwaree* to favour their side of the dispute by his official action. Both would bribe, cajole, and intimidate him, till he became the creature of one or the other. Even in those districts in which there has been no open breach between the landlord and tenant such influences would be brought to bear upon the *putwaree* as would render it impossible for him to remain impartial and independent. In most instances he would become the tool, and in many cases he would degenerate into the servant and rent collector of the zemindar. Rule 16 of the draft rules forwarded to Government with your No. 313A of the 14th June 1873, which provides that the *putwaree* shall be remunerated by a percentage on collections, would have a decided influence in inducing him to espouse the cause of the zemindar, for this would make his interest identical with those of the landlord. A *putwaree* remunerated by a percentage on collections has to direct personal interest in favouring the enhancement of rents. The ryot could not bring such influences to bear upon him, and he would be subservient to the Collector only outwardly. He would render him such eye-service as would secure himself from being dismissed from his post, but heart and soul he would be the creature of the zemindar generally or the ryot, in cases of combination against the landlords, where party spirit might induce him to espouse what might be considered the patriotic side. It should be remembered that *putwarees* must be chosen from the lower orders of society in Bengal, who, as a general rule, are shrewd, but ill-educated and unprincipled. There is little or no chance of a *putwaree* selected from men of this stamp, and exposed to the influences and temptations described above, being honest and independent on a stipend ranging from Rs. 2 to Rs. 10 per mensem. In support of these views I might quote many extracts from the communications received from the gentlemen who have been good enough to favour me with their opinions on the subject, but I will only quote a passage from the letter of one, himself a zemindar, *i.e.*, Baboo Romoni Mohan Chowdhry of Tush Vhander in the Rungpore district, who has expressed himself on this subject with such candour. "The *putwarees*," this gentleman says, "are

generally common people; consequently if such responsible duties are entrusted to them, they will most probably act according to the whims of the zemindar, where the zemindar is powerful, or to that of the ryots, when they are combined." It would seem to me that this opinion, being, as it were, the admission of the witness against the interests of his own side, is entitled to great weight. Further, the same conclusion will be arrived at if we look back upon the history of the past. In the only district in this division in which the *putwaree* system is reported still to prevail, *i.e.*, in Dinagepore, "where" the Collector says "*putwarees* are to be found in all estates under the Court of Wards, and in fact in all estates throughout the district," they have clearly degenerated into mere rent collectors and servants of the zemindars. "*Putwarees*," writes Mr. Westmacott, "now perform the duties specified in the old regulations, only they do not now submit any returns to the Collectors, or consider themselves in any way under his orders. From being a recognized part of the local administration, they have become subordinates of the landlord, without, however, losing their position as village officials." Again, in Rajshahye the Collector reports that although the putwaree system no longer exists in his district, he finds clear evidence of its former prevalence in some *mouzahwari* registers prepared in the year 1820. "I have found *mouzahwari* registers," Mr. D'Oyly says, "of the 48 pergunnahs that are either wholly or in part in his district."..... The information contained in these registers may be shewn by the headings in the several columns, which are as follows:—

1.—Number and name of *mouzahs*, &c.
2.—Monthly wages of *putwarees*, &c.

It is quite clear from the entries in column 2 that these *putwarees* were paid by the zemindars, as the zemindars' names are mentioned with the amount of wages they paid. It is also clear that these *putwarees* were *tehsildars for the zemindars*, for where we find an entry of a village let in *izara*, it is mentioned sometimes that the *izardar* collected himself, and therefore there is no *putwaree*, and sometimes where the *izardar* does not collect himself, there is a *putwaree* named. In one instance the proprietor himself is put down as *putwaree*.

.....The registers of 1820 are the only records that are to be found of the *putwaree* system. A large quantity of *putwarees'* papers, *chittas*, *khuttiana*, *jamawasil bakee* papers, &c., were destroyed in 1867. But these registers that we now have shew that putwarees were employed and were paid by the zemindars; that they were really *tehsildars*, but that they supplied the *canoongoe* of the pergunnah with village papers, accounts, &c., according to law." What has happened before will happen again, and we read the future of the proposed *putwaree* system by the light of it past history in Dinagepore and Rajshahye, we shall see that to reorganize *putwarees* will be but to resuscitate an old order of zemindary servants. At least such men as we appoint will, without doubt, ultimately become the dependents and rent collectors of the zemindars.

3. A second objection urged against the *putwaree* system is that the registers of holdings, rates of rent, and payments to be kept by the *putwarees*, will seldom, if ever, be reliable. This must of course be the case if the *putwarees* fail to be honest and independent, and if, as it would appear they must necessarily do, they fall under the influence of either zemindar or ryot, if they become the dependents or rent collectors of the zemindars, their papers will be but of the same value as ordinary zemindary accounts, and if they become the partizans of the ryots, their registers, &c., will be equally open to suspicion. Moreover, if the *putwarees* be not *en rapport* with the zemindars and have opportunities given them of being present at the payments of rent, it is difficult to see when they are to obtain sufficiently ample and accurate information for the preparation of the returns and statistics required from them. In this connection I would quote the opinion of Mr. Brae, a resident of Sorajgunge, and whom the Collector of Pubna reports to be a gentleman "well acquainted with zemindary matters." "Where," asks Mr. Brae, "is the information we require from *putwarees* to be obtained? Is it to be obtained from landlord or from tenant, or from both? If they disagree both as to the amount of rent and nature of the tenure, what is it the *putwaree* is to do? And should either or both parties refuse information, how are they to be compelled to give it? How is a *putwaree* to ascertain correctly the quantity of land in a tenant's possession? It is only the party in receipt of rent who has the right to measure." Again, as pointed out by others, a *putwaree* cannot be expected to be a very highly educated person. His stipend being on an average Rs. 3 or Rs. 4 a month, he will in general be an illiterate man, imperfectly acquainted with account-keeping and land measurement, if indeed he has any acquaintance at all with the latter subject. Half a generation must pass away, and vernacular education must take great strides in the country, while the prices of the necessaries of life must remain stationary or diminish, before we can hope to get a better class of men for village *putwarees* at the rate of which it is now proposed to remunerate them.

4. In the third place, the appointment of these *putwarees* will be a source of expense either to Government, the zemindars, or the ryots, and perhaps to all three. The rules forwarded with your No. 313A of the 14th June 1873, to the address of Government, evidently contemplate that the expense of the maintenance of these *putwarees* should fall solely on the zemindars. But as pointed out in paragraph 5 of Government letter No. 2525 of the 20th September 1873, this matter will, in accordance with the terms of the regulation, have to be regulated by "the custom of the neighbourhood." It may be possible to prove in most districts that it was customary for the zemindars to pay the *putwarees*, but the zemindars will of

course affirm the contrary, and in some districts it may not be possible to substantiate this fact. In such a case the cost of remunerating them would fall on Government, and the receipts of land revenue would consequently be diminished. But in cases in which the zemindars are compelled to pay the *putwarees*, they will undoubtedly endeavour to shift this burden from their own shoulders on to those of their ryots. The Collector of Rajshahye endeavours to combat this objection, while he, at the same time, admits it to be a fact that the zemindars have acted in this manner. "There is no doubt," he says, "that in many districts ryots have been called on to pay, and have paid with their rents, a certain sum as *putwaree-giri*. In Shahabad this practice is said to have prevailed, and zemindars openly included these demands in their suits for arrears of rent. But if the zemindar is allowed to nominate servants already in his employ on the understanding that the Collector will force him to employ others in case his servants do not supply all the papers and information required, then there need be no additional expenditure on the zemindar's part, and therefore no sort of excuse for collecting any sums from the ryots on this account." The latter part of this extract is important, as shewing that in the Collector of Rajshahye's opinion the *putwaree* must necessarily be a servant of the zemindar; but the argument contained in it would seem to me to have but little force, after the plain statement of facts contained in the beginning of the passage.

5. In the fourth place, I would remark that in paragraph 2 of your No. 314A of the 14th June 1873, it is admitted that to make the *putwaree* system fully efficient, *canoongoes* also are required, and in paragraph 2 of Government letter No. 2525 of the 20th September 1873, it is assumed that the reorganization of the *canoongo* and *putwaree* must be simultaneous. In paragraph 3 of the same letter it is stated that at nearly every sub-division there is an officer called a *canoongo*, whose aid will enable the Sub-divisional Officer to deal with *putwarees* as required by law. But since this paragraph was written, the functions of the *canoongoes* hav been completely changed. These officers are now employed almost constantly in settlement work, which takes up the greater part of their time. If they are to supervise *putwarees* efficiently, they must either be relieved of their settlement duties and a staff of *ameens* be engaged in their places, or a very large addition be made to their number. In either of these cases a very considerable amount of extra expense will be incurred. Moreover, for the proper supervision of a *putwaree* establishment and the duties to be performed by it, we want a very different class of men to the strangely-termed "*canoongo*" of Sir George Campbell's creation. Such specimens of the latter as have come under my observation consist chiefly of very young men with an imperfect English higher class school or college education, and know about as much of zemindary matters and village accounts as the rank and file of orderly *chupprasees*.

6. In the fifth place, I would urge that the need for appointing *putwarees* is no longer emergent In *khas mehals* and Wards' Estates Government, in its capacity of zemindar, can have no difficulty in obtaining as much information on the subject of holdings, rates of rent, and payments by the ryots, as it may require; while for permanently-settled estates, the road cess returns already submitted, or in course of preparation, will supply an ample and, for the most part, a reliable record of tenant rights. When it is remembered, too, that the law provides for the quinquennial revisions of these papers, it will be seen, I think, that the organization of the *putwaree* system is not a matter of very urgent necessity.

7. Finally, I would urge that whatever advantages might result from the general reorganization of the *putwarees*, their partial resuscitation in future settlements, *Khas Mehals* and Wards' Estates only will be but of little avail, and no general public benefit, commensurate with the trouble and expense of reintroducing the system and of supervising its working, so as to prevent the growth of the abuses above alluded to, could possibly result therefrom.

8. Under these circumstances I do not consider the reorganization of the *putwaree* system to be either expedient or desirable, and I am not prepared to advocate its extension to either of the divisions at present under my charge.

No. 386R, dated Bankipore, the 15th July 1875.

From—S. C. Bayley, Esq., Commissioner of the Patna Division,

To—The Secretary to the Board of Revenue, Lower Provinces.

I have now the honour to submit my report on the scheme of reorganizing the putwaree system in the Behar districts in accordance with the Board's orders No. 157A of 5th April last.

2. Unfortunately these orders were not submitted to me immediately on my return from leave, but only ten days ago. The time, however, has not been altogether wasted, as in the meanwhile reports have been obtained from the Collectors as to the part taken by *putwarees* in their respective districts in regard to *dánábundi* where the *bhaoli* system prevails, and I shall notice this subject in a later portion of this report.

3. The opinions of the Collectors were called for on the general scheme when the Board's orders were received on the subject in November last. These do not appear to have been noticed in my predecessor's report to the Board; and while some of them were mere dry bones not requiring notice, two reports were received of very great merit, one from Moulvi Daliludin, showing how far the system had already been introduced into the Patna

district, and containing in a few lucid and practical suggestions, a perfect scheme for the introduction of the new system, and the other from Mr. Worsley, travelling a good deal beyond the points submitted to him, but containing a simple and, I think, a workable scheme for strengthening and controlling the organization, and making it hereafter much more useful than the scheme contemplated by Government can do. Both of these reports I venture to submit in original, and I invite the Board's consideration to their suggestions.

4. I have so long and so often in different capacities urged the reorganization now contemplated, that I need not repeat here how thoroughly I approve of the proposed measure. With reference, however, to the depreciatory criticisms of Mr. Metcalfe (criticisms which were I admit the same as those adopted by the Board of 1854), I wish to point out that however useless the *putwarees'* records may be to prove facts relating to individual tenants or to existing disputes (in cases in which a motive for fabrication is apparent), yet when these records are collected over a long series of years they cannot fail to afford a store-house of the most useful facts and of approximately correct figures. They will give just that information the deficiency of which has been a standing grief and reproach to Bengal Revenue Officers, and which (to take a recent instance) made all our estimates for the famine of 1874 hopelessly arbitrary and untrustworthy, and they will become useful as evidence in regard to the history of individual holdings and individual status in proportion to the remoteness of the probability existing at the time when the papers were recorded, that their evidence would be required for the particular point in dispute.

5. I do not think such considerations as the want of room for storing records, or the inadequate existing means of supervision, need frighten Government from carrying out an administrative reform of the first class; nor do I think it necessary that the legislature should undertake the task of compiling a hand-book of the duties of *putwarees* to meet every possible contingency before proceeding to the very simple task of enforcing an existing law, and fixing the manner in which certain registers are to be kept, examined, and recorded. I am consequently much obliged to the Board for giving me an opportunity of putting on record my own views, which on this subject do not coincide with those of Mr. Metcalfe.

6. I propose to offer my views *seriatim* on the suggestions made by Government in amendment of the draft rules originally proposed.

7. *Canoongoes.*—The first suggestion is that the *putwarees* should be supervised by the existing *canoongoes*, and this carries with it the corollary that they should be supervised directly from the sub-divisional office, and not by the Collector and his sudder office. The existing records and registers being all that the sudder office will render it necessary to have the registers prepared there in the first instance, and the requisite extracts sent to sub-divisional offices. But on the whole the suggestion seems to me a sound one.

8. It is really of the great practical importance, for at present sub-divisional officers having no rent suits and no land revenue work, save an occasional settlement or *butwara* case, are rather outside the chain of revenue administration, whereas this plan will bring them into immediate *rapport* with the revenue agency of the country, will give them very useful experience, and will enable them to employ the subordinate executive establishment very much more profitably than in the miscellaneous and spasmodic inquiries or petty criminal trials, which form at present their principal occupation.

9. The register of *putwarees* and their records should then be the special charge of the sub-divisional sub-deputy or *canoongoe*, as the case may be, and this, together with the compilation of statistics and occasional measurements, are part of the old duties of *canoongoes* under Regulation V of 1816. He would in fact be a superintendent of *putwarees'* report on their fitness, their remuneration, &c.; and if Sir G. Campbell's original suggestion could be carried out, he might induce them to adopt a better method of surveying than that which they now employ.

10. *The village unit.*—The next question is as to the *unit*, whether we should take the village, the circle of villages, or the estate. All the officers whom I have consulted agree in the opinion that the village should be the unit.

11. The normal system at which we are to aim should be one *putwaree* to every village. Where villages are small, they might be grouped into circles, and one *putwaree* be appointed to each circle; where they are large, the *putwaree* might have one or more naibs, but one and only one *putwaree* should, in my opinion, be recognized as the Government official. We have here to face a real administrative difficulty. Every shareholder has in some cases his own *putwaree*. This system must come to an end, and where the parties cannot agree to appoint one man, the Collector must intervene and do so; but it is unsatisfactory to abolish and throw out of employment a number of these men at once, and the zemindars will leave no stone unturned to try and defeat our object by letting their old men keep their *bona fide* papers, and giving the Government nominee all possible trouble in the discharge of his duties. I think when the measure is fairly introduced, this difficulty might be met by the High Court issuing a circular calling attention to the fact that Regulation IX of 1833 is enforced, and that Government have laid down certain rules, and directing the subordinate courts to acknowledge only the *putwaree* who is recorded in the Government books, and no other, as the authorized village official. If the civil courts will learn to recognize this fact, the inability of zemindars to sue for arrears, on accounts prepared by their own unauthorized *putwarees*, will force them by degrees to conform to the law. I confess, however, I do not see my way to a solution of the other difficulty, that of turning out a number of these men simultaneously. I should be glad to avoid changes in the *personnel* as much as possible, but still the importance

of at once insisting on the principle that there shall be only one *putwaree* for all the shareholders in one village seems paramount, and the sentimental objection must in that case be put on one side.

12. *III.—Geographical distribution by thana.*—There is no serious difficulty in redistributing the *putwarees* according to thanas, and our pergunnahs are so intermixed and dispersed that circles of villages would practically be inconsistent with pergunnah distribution. They should be arranged in accordance with the printed thana lists of villages in existence in every district, and the registers of *putwarees* be kept accordingly.

13. *Remuneration.*—The question of remuneration is a difficult one; every village differs: but in almost all cases the *putwaree*, in addition to his monthly salary, which is small, receives fees or percentage on collections, sometimes in cash, sometimes in kind, and these are often considerable. A high wage is Rs. 3 a month plus half anna in the rupee on collection. A low wage is annas 8 a month, and one-fourth anna in the rupee on collection and every possible variation will be found to exist. I think practically the best way at first will be not to interfere at all but to content ourselves with recording existing terms, letting the *putwarees* and semiudar settle the rates for themselves. The Collector will no doubt be appealed to frequently enough if they cannot settle this for themselves, and if they do not appeal to him, we may assume that his assistance is not required. If any system of percentage is adopted, it must be on the *junmabundee*, not on the Government revenue.

14. The suggestion that the system should be worked by the Sub-divisional officers assisted by the subordinate executive establishment has been already discussed and accepted. There will be some practical inconvenience at first starting in this plan owing to the registers being all kept at the sudder station. There will, moreover, be a danger of want of uniformity if each sub-divisional officer works on his own plan. The only way I see of obviating this would be to insist on the Collector in every district keeping the work in the sudder sub-division in his own hands for the first year or two, and not making it over to a Deputy Collector. He will then have a distinct system of his own, and will have it carried out with some approach to uniformity in the sub-divisions. I think, too, that the Collector, and not the Sub-divisional officer, should start the work in the first instance in the Wards' and Government estates, and he would then have a model ready for the sub-divisional officers to work by.

15. *Registers.*—I now come to the question of registers. I think the three registers which the Government have proposed are ample. If I understand rightly, the *putwaree* will in No. I *record* the holdings, rent, and payment of each ryot, and statistics of cultivation: in No. II he will record mutation: in No. III he will record *pottahs*—a vain and empty register, I fear, in Behar, so far at least as ryots' *pottahs* are concerned, and he will *file* in the sub-divisional office an annual extract or abstract of No. I.

16. No form is given for this annual abstract, and I am apprehensive that without a form this, which will be the permanent record in the Collector's office, may be misunderstood. I am not sure whether it would not be simpler and far safer in regard to the hold it gives over the *putwaree*, to make this an actual copy of the register No. I, instead of merely a copy of each ryot's totals, which is what I presume the Government suggestion involves. There could then be no excuse for any divergence, and the extra labour would not be very great. I am not, however, ignorant of the inconvenience which would be caused by the larger instead of the smaller mass of papers, and I only throw out the suggestion *quantum valeat*. Any way, it seems to me that too great care cannot be taken in making the *putwaree* thoroughly understand the form in which this yearly abstract is to be prepared, and perhaps the simplest way would be to have the register paged, one page to be given to each ryot, and a place for the totals of each column at the bottom of the page, and then the extract should consist of this line of totals of each page. I would certainly adhere to the second part of rule 11 of the Board's draft rules.

In register No. I, I would add, after column 12, a fresh column showing the price at which the grain is calculated; for in *bhaoli* holdings, where the *dánábundi* and not the *hatai* system is in vogue, the ryot does not *pay* in kind. The produce is estimated, and from an average of the neighbouring markets, a price is put upon it; the ryot takes away the whole produce, and pays in cash according to this estimated price. The existing form, it will be observed, scarcely provides for this system.

17. I think, too, that the additions proposed in paragraph 17 of Moulvi Daliludin's report should be made to the annual extract which has to be filed in the sub-divisional office.

18. In the register of mutations I object strongly to the entries in column 13 as affording a distinct premium on fraud. These detailed histories of private transactions will either not be given at all, or they will only be given to subserve a special purpose. When a transfer has taken place, let it by all means be registered, but I would not give the *putwaree* power to record, without any check upon him, the circumstances which, in his opinion, led up to the transfer.

19. I see no serious objection to the proposal that at the end of every two years the annual extracts should be forwarded to the Collector's office for record. I should like, however, seeing the little experience which sub-divisional offices have of keeping intricate records, to have a system of recording laid down, so that the sudder record-keeper may know in which bundle to look for any paper when the bundles come to him. It must be remembered, too, that these *putwarees'* papers will have to be recorded according to thanahs, while the revenue records at sudder stations are kept by pergunnahs.

20. *Preliminary arrangements.*—In regard to the preliminary steps to be taken for introducing the system, I would suggest the following plan, but the information available in

some districts, such as Patna, is so much more complete than in others, such as Tirhoot, that the plan may very possibly require modification.

First, from existing putwaree registers, towjees, and the general registers, a list should be prepared giving for each thana the villages comprised in it; the survey *hulqa* to which they belong; the *towjee* number; the recorded proprietors; actual rent receivers, and residence if known; name of *putwaree*; share to which *putwaree* belongs. These lists will then be forwarded to each sub-divisional officer, and at the same time a notice should be sent to the zemindars informing them of the change that is to take place, that in future one *putwaree* will be recognized only for each village; not for each estate; that his pay will not be interfered with; that he will be required, in accordance with law, to file his papers annually in the Collector's cutcherry, and, as only one *putwaree* for each village will be recognized in future, and not one for each shareholder, calling upon the zemindars to file at the sub-divisional cutcherry, within one month, a revised list of *putwarees* shewing whom they propose to retain in each village, and stating that if this return is not received by the end of the month, the Collector will then himself appoint one *putwaree* for each village, and no objection will afterwards be listened to. This notice should not only be stuck up, but it should also be given to every zemindar's agent when he comes to pay the Government revenue. The Sub-divisional officer will, when these revised lists come in, have tolerably complete materials to work upon. The list should then be made over to the Sub-Deputy Collector and *canongoes* to prepare a complete register of the *putwarees* in the sub-division. They will have to see each *putwaree* to test his fitness, to report on the circles, to inquire into objections, and finally to submit their statement to the sub-divisional officer, who should pass his decision on all disputed or doubtful matters and on all references made by his staff. The list being completed, will be incorporated with the sudder register of *putwarees*, and each *putwaree* should then receive a *sunnud* of appointment from the Collector, and lithographed forms of the registers to be kept and of the abstracts to be filed.

21. The sub-divisional executive establishment should make a point of examining the registers kept by *putwarees* frequently, and send their inspection reports regularly to the Sub-divisional officer, and it should be part of the duty of all revenue officers on their cold-weather tours to see if the Government nominee is really doing the work of the village, and if he keeps his registers regularly. I would also suggest that Moulvi Daliludin be asked to draw up a short and simple set of rules for the guidance of *putwarees*, which rules might be lithographed in Hindee and given, together with the *sunnud* of appointment, to each *putwaree*.

22. *Lakhiraj estates.*—Before altogether leaving this part of the subject, I would call attention to the difficulty pointed out by Moulvi Daliludin in applying the law to *lakhiraj* estates. I am afraid our legal powers are confined to revenue-paying estates, and that the difficulty is insuperable without legislation.

23. *Mr. Worsley's scheme.*—I ought not to send up Mr. Worsley's scheme without making some remarks in regard to it. The proposal is, it will be seen, to unite the office of rural sub-registrar and that of *canoongo*, and attach one to each thanna jurisdiction, making these men exactly what *canoongoes* were intended to be, the local supervisors of putwarees, and the Collector's hands and eyes for revenue work. He would also give them hereafter powers to decide petty rent cases, and I suppose in the wake of that would come petty criminal powers. The suggestion is certainly rather a fascinating one, as it would strengthen our hands greatly for administrative purposes, and apparently at no very great expense. I have, however, to confess myself so ignorant of the number, status, and remuneration of the rural sub-registrars (the department being in no respect under the Divisional Commissioner's supervision) that I am unable to estimate whether the scheme is really practicable or not. There are of course obvious objections to it—one, the old one of serving two masters; another, that registration duties are stationary, while the supervision of *putwarees* should keep a man perpetually on the move; another, that it places ill-paid men in a position of some independence without adequate supervision. But admitting all these, it would, by giving us three men where now we have one, strengthen the hands of the administration so materially that, if practicable, its advantages would outweigh its disadvantages. I must leave the question of its being practicable to those who are more conversant with the Registration Department than I am. Mr. Worsley's other remarks for improving the revenue administration of the country (paragraphs 11 and 12) do not bear upon the question before us, and need not now be considered.

24. *Dánábundis.*—I come now to the final portion of my report, viz. the duties of *putwarees* with reference to *dánábundis*.

25. At present they play a very important part in this work, and are able to exercise great influence, some times in favour of the one side, and sometimes in favour of the other. As a rule, they estimate the amount of the crop standing on the ground and appraise its value. If they were really Government servants, they might arbitrate occasionally in these matters usefully and successfully, but more frequently they consider themselves as part of the zemindari establishment, and behave accordingly. In making new settlements, the latter part of rule 16 of the draft rules will remedy that, but for the old estates of Behar, I am afraid the rule cannot be introduced without fresh legislation.

26. Almost all the Collectors, while acknowledging that as matters stand, the *putwaree* is practically the arbitrator and appraiser of the corn-rent to be paid on *bhaoli* tenures, desire that he should be kept to his legitimate duty of recording, and not regulating the amount. He would still have to be present at the *dánábundi* and to record the estimated

amount and value of the crop, but he is to be forbidden by rule to take part in making the estimate. I shall willingly see such a rule introduced, but I should be still more glad if I could hope to see it enforced. The Collectors by steady pressure and exercise of their authority may bring the *putwarees* to a measure of independence in regard to the zemindars, and then the zemindars will not much care to employ their services; but till then, while I quite think we ought to have such a rule as the Collector suggests in order to mark the view which Government takes of the question, I confess myself hopeless of enforcing it.

No. 232, dated Mozufferpore, the 28th January 1875.

From—C. F. Worsley, Esq., Officiating Collector of West Tirhoot,

To—The Commissioner of Revenue, Patna Division, Bankipore.

With reference to your memorandum No. 233R, Circular, dated 12th ultimo, and enclosures, on the subject of reorganizing the *putwaree* system, I have the honour to submit the following report.

2. I observe that the Government while recognizing the expediency of revising the office of *canoongo*, does not propose to appoint a distinct body of such officers, but expects that the aid of the officer called *canoongo*, now attached to the staff at nearly every sub-division, "will enable the sub-divisional officer to deal with *putwarees* as required by law." I think, however, that much closer supervision over the *putwarees* is required than could probably be exercised by sub-divisional *canoongoes*, who are already employed on a great variety of duties, and I would recommend that the offices of *canoongo* and rural registrar be united in one man, and that one such officer at least be appointed to each thana jurisdiction. These *canoongoes* again should be subordinate to the sub-registrar (head *canoongo*) at each sub-divisional head-quarters, the head *canoogo* being placed under the immediate control of an experienced Deputy Collector (in the case of the sudder sub-divisions) or of the sub-divisional officer (in other cases).

3. The few rural registrars to whom I have yet spoken on this subject will gladly undertake the duties of a *canoongo*, and if the value of the joint appointment be raised somewhat higher than of a rural sub-registrar, the appointment will not only become very popular, but permanent incumbents of good family and education may probably be secured. The surplus receipts of the Registration Department in this district, after payment of charges of all descriptions, are more than sufficient to meet the extra cost of salaries and establishments.

4. Eventually, and when the *canoongo* and *putwaree* system is in full force, I should be glad to see the trial of rent suits retransferred to the revenue courts, and *canoongoes* vested with power to hear cases in which the claim is less than Rs. 50. The procedure of the civil courts is not only too technical and dilatory for the mass of the cultivating classes, but the attendant expenses are most ruinous. There is also no doubt that district officers have lost much influence and much local knowledge through the transfer of rent suits to the civil courts.

5. With regard to details, I thoroughly agree that the *village* should be taken as the unit instead of the *estate*, and our first step should be to notify this change to the zemindars, and to require them to submit revised lists of *putwarees* within three months. These lists should then be sorted thana by thana and made over to *thana canoongoes* for local inquiry and report. It should be the duty of these officers to see and examine each *putwaree* that is nominated, to inspect the various circles of villages, to receive objections from the villages, and then to submit a report for the orders of the Collector. The report should be in the form of a statement shewing (1) the fitness or unfitness of the *putwarees* nominated for each village or circle of villages; (2) the propriety or impropriety of each proposed circle of villages; and (3) the existence or non-existence of objections to nominations. The Collector, after perusing the report and making such further inquiries as he might think necessary, should appoint or reject the *putwarees* nominated by the muliks, and fix the various circles of villages to be kept up.

6. When these preliminary proceedings have been completed, the *putwarees* should be directed to prepare materials for the compilation of the annual statement prescribed in clause 1, paragraph 8 of Government letter No. 2525, dated 20th September 1873, and to open out registers of mutations and *pottahs* (clauses 2 and 3). In this work they should be closely supervised by the *thana canoongoes*, who should from time to time examine and sign the registers. The forms suggested in pages 5, 6, and 7 of the Government letter seem to be all that is required. The annual statements should be submitted on 1st Cheyt, and kept in original in the sub-divisional offices or collectorate, copies being retained for reference in the offices of the *thana canoongoes*. General registers of mutations and *pottahs* should be prepared by the *canoongoes* for each thana from the registers kept by *putwarees*, and should be retained in the *canoongoes'* offices.

7. It should be distinctly laid down that the *putwaree* is a public servant, and not, as he has been hitherto regarded, the private servant of the zemindar.

8. In rule 6 of rules for *putwarees* the Collector should be also empowered to remove a *putwaree* for "any sufficient cause."

9. The cumbrous mode of procedure prescribed in sections 11, 13, and 15 of Regulation XII, 1817, should be abolished, and the orders of a Collector should be made merely appealable to the Commissioner.

10. The scale of remunerations fixed for *putwarees* appears too low. It should be fixed with reference to the *jummabundee*, and not with reference to Government revenue, which frequently in no way represents the real value or importance of an estate.

11. I would not at first burden the *thana canoongoes* with all the duties set forth in paragraph 2 of the Government letter. In addition to what I have already recommended in this case, I would require them for the present only to keep a list of *putwarees*, to compile pergunnah rates, and to submit returns of harvests. The settlement of pergunnah rates is, in my opinion, the most important of all our duties, and Collectors should be empowered to determine what they are for various kinds of land, and his declaration on such points should be binding on the courts. Under the existing system, I do not see what limit there is to the enhancement of rents, or how the condition of the cultivating classes can be permanently improved; but it seems clearly to have been the intention of the early regulations that, except when below pergunnah rates, rents should only be raised by inducing ryots to cultivate more valuable articles of produce and to clear extensive tracts of waste land.

12. To promote delivery of *pottahs* (an object of the utmost importance), I would recommend that distraint and sale be prohibited on the part of zemindars except for arrears claimed on registered *pottahs*; and to increase our knowledge of the real condition of estates and to bring about gradually a true record of rights in villages, I would recommend that the sale law for arrears of revenue be amended, and that the Government be authorized, whenever it may think fit, to take defaulting estates under *khas* management instead of putting them up to sale.

13. I may add that if my scheme of *thana canoongoes* be approved, their offices should be well away from police thanas.

MEMORANDUM.

Reorganization of the Putwaree System.

BOARD's orders No. 739A, dated 21st November 1874, with enclosures, received with Commissioner's Circular memorandum No. 233, dated 12th December 1874.

1. The *putwaree* system, as organized under Regulation XII, 1817, was in full force in this district till 1830, when it began gradually to decline. In 1839 the above Regulation became altogether a dead letter, the periodical returns required by that Regulation ceased to be submitted, and the *putwaree* register fell into disuse. This state of things continued till 1872, when, with the view of organizing an agency for taking the general census, an attempt was made to resuscitate the old *putwaree* establishment. A register was opened in the form given in the margin,* and all the zemindars were called upon to register the names of the existing *putwarees* and appoint new ones where none already existed. This register was completed in the course of a few months, and has since been kept up. The *putwarees* have also furnished annually for the last three years the *jummabundee* papers of each village in the form noted in the margin.†

* *Pergunnah*

Serial number.	Number of Tooje.	Name of mouza according to survey.	Name of mouza according to tooje.	Government revenue.	Recorded proprietor.	Party in possession.	Name of putwaree.	Fee.	Date of appointment.	Date of final order.	Extent of share.

† *Mouza.* *Pergunnah.*

Name of ryot.	Claim of land.	Quantity.	Rate of rent.	Total rent paid by each ryot.

2. According to our present system, there is a *putwaree* in each village, but where a village is owned by several shareholders, every one of them, as a rule, has a separate *putwaree* for his own share. Where the villages are small and owned by one and the same proprietor, one *putwaree* has sometimes charge of several villages, but they are not always close to each other, being sometimes 10 or 20 miles apart; on the other hand, in large villages, the *putwarees* have one, two, or sometimes three *naibs* under them.

3. The villages are arranged in the *putwaree* register according to pergunnahs and not thanas.

4. The remuneration of the *putwaree* is not interfered with by the Collector, but left to be settled between them and the zemindars. According to the register the *putwarees'* wages vary from eight annas to Rs. 3 per mensem in addition to *russooms*, or customary dues, which are not detailed in the register, but consist generally of three to six pies in the rupee on gross rent in *nukdi mouzas* and of its equivalent in kind in *bhaolee mouzas*.

5. These are the main features of the existing system, but it is by no means complete or satisfactory, and unless thoroughly revised and put on an improved footing in the spirit of the Government orders under reference (No. 2525, dated 20th September 1873), the putwarees cannot be expected to be so efficient and useful as is desired.

6. The suggestions made by Government for reorganising the system are noted below *seriatim*.

Each *putwaree* should be attached to a village or a circle of village-s rather than to an estate, the villages of the circles being close to each other.

7. The Board's suggestion to have a *putwaree* for each estate would have been quite unfeasible, inasmuch as a great many of the estates contain more than one village. To have a *putwaree* in each village will not only be much more convenient for all purposes, but also consistent with section 3, Regulation XII of 1817. The questions that arise in connection with this are—

1*st*.—Whether a village which has been divided into two or more estates by butwara should have a *putwaree* for each estate, or only one for the whole village. I should think that after a village is divided by *butwara* into two or more portions, each of such portions should be considered a distinct village, and a separate *putwaree* retained for each. In such cases there can be no fear of "inconvenience or harassment to the people by more than one *putwaree* operating upon the same ryot," inasmuch as the ryots of each portion will have nothing to do with the *putwaree* of the other portions.

2*ndly*.—Whether villages which are too large for one *putwaree* should have more than one *putwaree* for each. I think it would be better to recognise no more than one *putwaree* for each village, whether large or small. In a village which may be considered too large, its *putwaree* should make his own arrangement, with the consent of the proprietors, for having as many *naibs* as he may find necessary; and if the village is really too large for him, the "customary dues" *i.e.*, the quarter of an anna or half an anna he gets in addition to his money wages, will enable him to pay the *naibs* from his perquisites.

8. It is of great importance that wherever circles have to be formed, the villages comprised in each circle should, as directed by Government, be close to each other. This will remove a serious defect of the present system, under which a *putwaree* has sometimes charge of several villages about 30 miles apart from each other; and when there is occasion to issue a *purwana* to him, it has to travel from village to village, and may not after all reach him at all.

The circles should be distributed by thanas, and not by pergunnahs.

9. This is necessary not only because our administrative unit is now the thana, but also because the villages and circles cannot be distributed geographically if they are to be arranged by pergunnahs; inasmuch as in Behar small parcels of one pergunnah sometimes lie in the midst of another pergunnah, or in other words, each pergunnah is made up of several pieces far away from each other.

In remunerating the *putwaree* Collector should be guided by the regulation and the local custom, which should be formulated, if necessary.

10. I think it would be better that the Collector should interfere with the nature and amount of the *putwaree's* remuneration as little as possible. He should simply enter in his register the remuneration that the *putwaree* and the zemindar may settle between themselves at the time of his appointment, and should interfere only when forming circles consisting of villages owned by different persons, should those persons not agree among themselves as to the remuneration to be paid by each.

11. There being no uniform custom in each pergunnah as to the rate of the *putwaree's* wages, it will be impossible to formulate the local custom, as desired by Government.

Existing *putwaree* should not be disturbed; but where circles must necessarily be redistributed, or where vacancies occur, it should be arranged that each *putwaree* should get a village or cluster of villages paying, say, from Rs. 2,500 to Rs. 4,000 gross rent; whereby his wages would amount, at 6 pies in the rupee, to Rs. 75 or Rs. 120 a year, besides his customary dues, if any.

12. A wide discretion must be allowed to the Collector in distributing the circles, and no hard-and-fast rules should be laid down as to the amount of gross rent which a circle *putwaree* should have charge of. *Putwarees*, each in charge of a gross rent of Rs 500 or even less, and with an annual salary of Rs. 24, 18, or even 12, are not scarce in this district. The Collector will have various local circumstances to consider in arranging the circles.

The duty of carrying out the revision of the *putwaree* list, &c., should be entrusted to sub-divisional officers, who will work through their new executive establishment, subject to the Collector's supervision and control.

13. Nothing can be better than this arrangement.

The periodical village paper should be filed, checked, and deposited in the sub-divisional record-room under the *canoongo's* supervision, and should be sent to the Collectorate when two years old.

14 This arrangement is unexceptionable, and I have nothing to observe with regard to it.

Only annual papers need by submitted by the *putwarees*, not half-yearly.

15. Half-yearly returns will needlessly swell our records; annual returns will answer all our purposes as well.

The *putwaree* circles should be arranged geographically according to thanas.

16. The most convenient way of arranging the *putwaree* list geographically would be by observing the order of villages in the printed survey thana list of villages supplied to each

17. It would have been most difficult and highly inexpedient for the *putwarees* to keep the six sets of registers originally proposed by the Board. The three registers prescribed by Government are, I think, quite unexceptionable. The forms are not complicated, but simple, and the particulars required to be inserted therein are known to every *putwaree* or at any rate ought to be known to him. I would, however, suggest that the annual extract of register No. 1 should contain at the end the following particulars:—

The *putwarees* should keep three registers only, namely—
1. Annual account current with each ryot.
2. Register of mutations.
3. Reg ster of *pattahs*.
Of these, an extract should be submitted annually of register No. 1, giving the totals of each ryot, and at the end the total area put down with each crop for the whole village.

Revenue—		Rs. A. P.
Rent for land	... ...	.....
Sayer from julkar, phulkur, mootharfs, &c.	...	.....
Total	...	.....

Area—		B. C. D.
Jageer chowkidar	... ...	.....
Do. gorast	... ...	.....
Do. barahmun	... ...	.....
Cultivated ...	... ...	.....
Culturable and fallow	... ...	.....
Waste ...	... ...	.....
Barren ...	... ...	.....
Busti or homestead	... ...	.....
Bagh ...	... ...	.....
Ahry roads, &c., &c.	... ...	.....
Total	...	.....

Crops—		Beeghas.	Mds.
Rice	... .	.....	.....
Wheat	... ...	.....	.....
Barley	... ...	.....	.....
Gram, &c.	... ...	.....	.....

These particulars will be of great help to us in preparing our annual statistical returns for the Board.

18. Unless extracts from these registers are required to be submitted annually, we cannot expect the *putwarees* to keep up the registers, and there will be no check against fraud and forgery. These extracts will not occupy more than a sheet or two for each village, and will not entail much additional labour or time. I would recommend that extracts from all the three registers be submitted by the *putwarees* annually.

No extracts need be submitted from registers Nos. 2 and 3.

19. This district was surveyed so far back as 1841, and the survey fields have since undergone changes, and do not now correspond with the existing fields. I think it would be as well to have the fields entered in sufficient detail without the survey number, &c.

Where there may have been a field survey, the number, name, and area of each field, and the rent payable thereon, could be entered in column 5 of register No. 1.

20. The whole of Regulation XII, 1817, should, I think, be adopted and enforced. No provision in it is in any way inconsistent with any of the suggestions made by Government, and the Board need only frame a few rules on points which have been left by the Regulation to the discretion of the Board, the Commissioner, or the Collector. I would suggest the following rules to be issued by the Board for the working of the Regulation:—

The Board should set out in their rules as much of the old Regulation as may now be adopted and followed, and then add such further rules as may be required regarding the forms and general matters.

I.—A *putwaree* shall be appointed to every village, and no *putwaree* shall have charge of more than one village, unless these villages are considered by the Collector sufficiently close to each other.

II.—If a village is divided into two or more portions by *buttwara*, each of such portion shall be considered a distinct village for the purposes of these rules.

III.—A register of *putwaree* shall be prepared and kept in each collectorate in Form A (annexed). The villages and circles shall be arranged in this register geographically, thana by thana.

IV.—Each *putwaree* shall keep three registers in forms 1, 2, and 3 (with Government letter, the foot abstract referred to in paragraph 17 of this memorandum being added to form No. 1) for each of the villages in his charge.

V.—Annual extracts from these registers shall be submitted by the *putwarees* within one month from the expiration of every Fusli year to the office of the Collector or of any other officer appointed by the Collector for the purpose, when they shall be filed, checked, and deposited.

VI.—All orders passed by the Collector under Regulation XII, 1817, shall be appealable to the Commissioner, and all orders passed by the Commissioner shall be subject to revision by the Board.

21. These are the only rules which I think are required. Other matters referred to in the Board's draft rules are either provided for in the regulation itself or are unnecessary. These rules may, however, be supplemented by any general instructions which the Board may be pleased to issue on the subject.

22. So far as this district is concerned no opposition or difficulty is expected in reorganizing the *putwaree* system; our process will be very simple. First of all we shall make out a list, in the form given in the margin, of all the villages in the district arranged geographically, with the help of the printed list of survey *hulkas* referred to above, the *tuwjih* register, the present *putwaree* register, and the *jummabundee* paper already filed in our office. We shall then forward extracts from this list to the sub-divisional officers to enable them to prepare *putwaree* registers for their respective sub-divisions, which they will do through their new executive establishment working under their own supervision in the following way. They will call upon all the shareholders of each of the villages having more than one *putwaree* to nominate only one *putwaree* to each village. This done, they will ascertain from the list furnished by the Collector which of the *putwarees* have more than one village under each of them. Such of those whose respective villages are so contiguous to each other as to form a convenient circle for each should be retained, as also those who have not more than one village under each of them. The villages of the other *putwarees* should be redistributed into circles in the way the sub-divisional officer may consider best in communication with the proprietors concerned.

Thana.

Number of survey hulka.	Serial number of villages.	Name and towjee number of villages contained in each hulka.	Government revenue.	Recorded proprietors.	Parties in possession, and their residence.	Name of putwaree.	Wages.	Share to which the putwaree belongs.	Number of ryots under each putwaree.	Total collections under each putwaree.

23. After the villages are properly arranged, the *putwarees* appointed, and the register prepared, copies of the register will be submitted to the Collector's office for incorporation into the general *putwaree* register. Lithographed forms of village registers and returns will then be furnished and explained to the *putwarees* through the sub-divisional officers.

24. The only difficulty that I foresee is about *lakhiraj* villages. Regulation XII, 1817, applies only to "villages paying or liable to pay public revenue," so the Collector cannot exercise on the *putwarees* and proprietors of *lakhiraj* villages the powers vested in him by that Regulation. Board's orders should, I think, be requested as to whether such villages are to be brought under our operation. There are 1,139 *lakhiraj* estates in this district; a great many of them, however, are not entire villages, but only parts of revenue-paying villages. Without these our *putwaree* register will be incomplete.

25. The Government estates should, I think, follow the general procedure; they should be included in the *putwaree* register. There are 49 such estates in this district, and each of them has a *putwaree* already, as I find from our *putwaree* register.

PATNA COLLECTORATE,
The 20th January 1875.

DALILUDIN,
Deputy Collector.

A.

Number of survey hulkas.	Serial number of villages.	Name and towjee number of villages contained in each hulka.	Government revenue.	Name of recorded proprietors.	Name of parties in possession and their residence.	Name and residence of putwaree and his father's name.	Wages.	Date of appointment.	

No. 406GR, dated Bhagulpore, the 24th February 1875.

From—G. N. BARLOW, Esq., C.S.I., Offg. Commissioner of the Bhagulpore Division
To—The Secretary to the Board of Revenue, L.P.

I HAVE the honour to submit the report called for in your No. 739A of the 21st November last.

2. Prior to furnishing a reply, I deemed it proper to circulate the papers amongst district officers. I was also anxious to ascertain what result had followed the promulgation of Government orders No. 541 of 31st January 1873, to my address, directing the revitalization of the *putwarees* in this division. The various replies that I have waited for are only just to hand.

3. With regard to the Government orders last quoted, the following description shews the state of the question in the several districts:—

Monghyr District.—In consequence of the receipt of your No. 51B of the 11th March 1873, which indicated that "before the Collector proceeds to register the *putwarees* or

to move further in the matter he should submit a report &c," and the non receipt of final instructions from the Board upon the subject, the Collector states that no further steps at the time were taken to enforce the registration of *putwarees*, and he now proposes to remedy the defect

Bhagulpore District—The condition of affairs is fully set forth in the subjoined extracts from the Collector's letter No 1301G of the 5th February—

"With reference to the Board s letter No 314A of the 14th June 1873, to the Secretary to the Government of Bengal, paragraph 4, I may add that instructions similar to those sent to the Collector of Monghyr were forwarded to me, and all zemindars were called upon to furnish the necessary returns, with the following results

"There were at the time the registers were commenced 4,551 estates on my *towjih*, but since havelli Khurruckpore and a few other estates have been transferred to Monghyr, and from the 1st April next all the separate estates borne upon my revenue-roll situate in the Sonthal Pergunnahs will also be removed and transferred to the Sonthal Pergunnahs

"It was ascertained that these 4 551 estates belonged to 2,570 *maliks* or zemindars, and to each of these 2,570 a notice was served, directing each to file a list of their *putwarees* Of these 1,771 replied, 739 gave the names of 1,263 *putwarees* having charge of 2,886 *mouzahs* such as are entered in the Collector's register B, and no less than 1,032 replied that *putwarees* were *not* employed by them, and 799 gave no reply at all Among these the majority were proprietors of petty estates, in which probably no *putwarees* exist, though some were those of larger estates, in which the presence of *putwarees* may be considered as certain"

Purneah District—The Collector reports that prior to the late orders for reorganizing *putwarees*, "only those *putwarees* registered their names who, in consequence of some dispute with the villagers or zemindars, were doubtful about the tenure of their office, and wished to have the Collector's books to fall back upon in case of their being dismissed On taking up the work of registration recently, however entry of the names of a number of *putwarees* was effected The Collector furnishes a list (copy annexed), which, however, is not very clear in its meaning and he states that he has ordered the work to be pushed on to completion

4 It thus appears that up to date nothing has been done in the direction of systematically reorganizing the *putwaree* system, but some small progress has been made towards discovering the existing state of affairs, and the stir that has been made has doubtless in a measure prepared the public mind for further dealing with the question

5 The Collector of Bhagulpore has expressed his opinion that although "the subject is a difficult one, and certainly not so easy to carry properly into effect as it appears on paper to be, still the benefit hereafter resulting from the revival of the *putwaree* system will be so very great as to necessitate every effort (*sic*) being taken for its speedy introduction throughout the country" In this view I entirely concur

6 Coming now to the main subject of the present report, viz "in what manner, and under what circumstances, I should propose to introduce the *putwaree* system in the several districts of this division," I have to remark that at the outset a most important question arises—what is to be the nature or character of the *putwaree* system which we are to seek to establish? Are we, that is to say, to follow technically the course laid down in sections 4, 5, 6, 9, and 10 of Regulation XII of 1817, and so perpetuate the class of *putwarees* we now have, illiterate and low-paid, while we multiply their number or are we, adopting the course sketched out in the Secretary to the Government of India s letter No 55 of 28th January 1869, forwarded with your No 2623B of 26th April following, to endeavour to secure advantage by reducing the number of *putwarees* and improving the position of those retained?

7 I will dispose of the first view of the matter at once If what is required is merely to follow the letter of the law, and have a *putwaree* registered for every revenue-paying village, there will be no difficulty in carrying out the system by the simple process of putting the law in motion, but I give it as my most distinct opinion, shared in by my district officers, that such arrangement will not answer the end, and the class of persons that we shall get as *putwarees* will not, as a rule, be qualified to do the work which will be required of them

8 It is of course perfectly plain from the tenor of the Offiuating Secretary to the Government of Bengal's letter No 2525 of the 20th September 1873, to your address, that Government desire to have an improved *putwaree* system introduced, and the same can I believe, be carried out upon his one condition only, viz that local officers are not held bound under the remarks of paragraph 5 of Government letter, extracted in the margin, to refrain from interference with existing *putwarees*, but on the contrary full power be allowed them of settling things upon the best footing possible in conjunction with, and by the consent of, the zemindar

'The Lieutenant Governor does not desire that existing village *putwarees* should be disturbed but wherever *putwaree* circles must necessarily be redistributed or when vacancies occur opportunity should be taken to arrange so that each *putwaree* should have a village or cluster of villages paying say from Rs 2 500 to Rs 4,000 of gross rent

9 I confess that I am at a loss to understand how the improved and the old system can be so dove tailed into each other in the manner indicated by the Government orders, as to admit of their existing at once alongside of each other, and the former increasing as the latter becomes exhausted Take, for example five villages, which would form one group under the improved system, and possessing at present five small *putwarees* On the occurrence of a vacancy in the post of *putwaree* in one or two villages, no man of the new stamp required would consent to take up the appointment, as the remuneration would be insufficient, and thus the new system could not be adopted until vacancies had occurred in the office in all or most of the villages How long this would take it is impossible to say, and meanwhile vacancies in the first few appointments must be left unfilled, or the difficulty would be ever recurring

10. I thus say that to carry out the scheme we must enter upon a perfectly clear field, and be prepared to do the best for the system that we can, independent of other considerations. When we come to work out the introduction of the measure, although I cannot positively guarantee that this will actually be the case, I believe that it will be generally found to be the rule that zemindars will accept the position and give us the assistance we require. After all, the proposed change will nowhere amount to more than the substitution of a competent *putwaree* for one or more incompetent men; the salary continuing to be regulated by custom.

11. If the plan which I propose is intended to be carried out, the mode in which it should be effected would be the following:—The system should at once be adopted in all Government and Court of Wards' estates, and the forms of register appended to the Government letter No. 2525 brought into play. This would give us the practical experience of the working arrangements which we need; and as in every district of this division there are large wards' and Government estates, as well as small, we shall get a fair trial of the method in either instance, *i.e.*, in large estates, were the group putwaree system will prevail, and the small estates, were the proprietor or settlement-holder is under engagement to do the putwaree's duty himself.

12. While this trial is in progress, I recommend that one thana in each sub-division of every district be selected, and measures carried forward there for introducing the new system. The work will be done by the sub-divisional officer and his subordinate staff under the control of the Collector, and the order will be somewhat of the following kind. The sub-deputies and canoongoes, &c., will travel through the interior, visiting every village, and by aid of the census maps (which supply a series of village circles based upon the thana as unit, with, almost invariably, the name of the village putwaree as enumerator) they will sketch out proposed putwarees' groups within a single estate, or comprising more than one estate if the properties are very small. All particulars as to the existing office of putwaree (if any) in the several villages, capacity of present incumbent, mode of paying salary, amount, &c., will likewise be noted down in a register prepared for the purpose. These materials will finally be put before the sub-divisional officer, who alone should be allowed to address the zemindar in the settlement of the affair. I rely greatly upon the personal influence of the higher Government officers to prevent difficulties arising, and to smooth them away when they do arise. I would therefore impose a condition upon sub-divisional officers that they should see to these things personally during their cold-weather tours, and at other times as opportunity may offer, and that they should not delegate their duty in this matter to others.

13. When everything has been arranged and properly noted down, the system should come into play throughout the entire limits of the thana from one fixed date. We shall then know what we are about, exercise our supervision, &c., and have our set of returns prepared methodically from the commencement, instead of a broken series extending over several years.

14. If, as I hope may not prove to be the case, it transpires that the attempt to establish the revised putwaree system provokes opposition, which it is impossible to get rid of, it will be necessary to have recourse to legislation, to enact that in place of the putwaree for every village whom the zemindar is required to nominate, and to report his name, under the provisions of Regulation XII of 1817, he shall be bound to follow the same course in respect of one putwaree only for each group or set of villages, to be determined upon by the Collector; the question of remuneration being governed as before. Under such enactment the work of reorganizing the new putwaree system would proceed speedily and easily.

15. The next point for consideration is, what is to be regarded as the status of the revitalized putwaree when we have got him? Is he to be what he is now, the servant of the zemindar pure and simple, or is he to be transformed exclusively into a Government official, or is he to be a representative of both characters? To shew what the position now is, I annex an extract of remarks under the head village officials, gomashtas, tehsildars, and putwarees, taken from the land tenure report for this district, which has just been prepared under Government circular order No. 24 of 17th September last, by Baboo Chunder Narain Singh, a Deputy Collector, lately joined. I likewise add some closing observations by the same officer upon the capacity or otherwise of these rural official establishments to stand and work independently under a system like our own. I cannot but say that I do most thoroughly concur in the sensible view therein recorded.

16. If we rush in and lay violent hands upon the present old-established system, insisting that the zemindar has nothing to do with the *putwaree*, and that the latter is to be an independent Government official, before whom all rents for the zemindar are to be paid by the ryots, he attesting the receipts, we shall have every man against us, both the old class of *putwarees* as a body, and their employers; and even if, by virtue of pure force, we get a new set of *putwarees* nominally established in the offices, they certainly will not be more trustworthy than the former race; while opposed by the zemindars, they cannot be even as useful. On the other hand, I think if it was quietly pointed out to the zemindars that we are by law entitled to the services of the *putwaree* to supply village accounts, and that we want no more than we have always had a right to demand and enforce, but we desire at the same time to improve the machinery to their advantage as well as ours; with these conditions I think we should get on. I would, after improving the stamp of men, and letting it be known that we were going to exact service, leave the *putwaree* very much where he is now as regards his theoretically undefined relation to Government and the zemindar, and I would trust to inspection by superior officers (*canoongoes*, &c.) to test the honesty of his work.

17. I recommend that some of the register forms proposed by Government be supplied at once, in Hindee, for use in Government estates and Court of Wards' property. In every case the form should be bound together in books, with printed numbers for paging. In case of the first form on the list each book should contain sufficient number of forms for an average village, say, 250, and a separate page should be kept as the account for each ryot, for there is sure to be a lot of bad writing and blundering amongst the *putwarees*.

18. The Collector of Bhagulpore proposes a system of the *putwarees* having printed and numbered cheques for granting receipts to ryots for payment of rent, as he has seen such a system in vogue in certain estates in the Rungpore district. That can come afterwards, and should be carried out at the expense of the proprietors.

19. I await the orders of the Board upon this report. If my proposals are approved I will issue instructions at once. The progress will be slow, as all establishments are fully engaged with recovery of advances, &c.; but the sooner the matter is taken up, the sooner will it be finished.

P.S.—I forgot to mention that the law makes no mention of *putwarees* for revenue-free estates where such are found to exist; in fact, we should of course try to establish them on the regular system where they do not exist, and if the *lakhirajdars* decline to assist us we should be helpless.

List showing the employment of Putwarees in Purneah.

No.	Name of Pergunnah.	Number of mouzah.	Number of villages in which putwarees are employed.	Number of villages where no putwarees are employed.
1	Ashja	162	99	63
2	Badore	588	66	522
3	Pergunnah Pawalkhally	58	53	5
4	Ditto Tajpore	318	97	221
5	Ditto Havilli	615	456	159
6	Ditto Soorajpore	643	459	184
7	Ditto Scoltanpore	224	131	93
8	Ditto Sreepore	445	227	218
9	Ditto Futyapore Singheea	164	42	122
10	Ditto Kakjole	300	24	276
11	Ditto Katihar	77	28	49
12	Ditto Koomanpore	59	22	37
13	Ditto Dhurrumpore	471	307	164
14	Ditto Maldar	38	3	35
15	Ditto Shahapore	2	2	.....
16	Ditto Teerah Khardah	73	45	28
17	Ditto Chuck Dilowri	20	19	1
18	Ditto Ghurhee	9	9	.....
19	Ditto Gograh	28	2	26
20	Ditto Beorhregunge	16	9	7
21	Ditto Kudbah	232	104	128
22	Ditto Khorrah	12	3	9
23	Ditto Bhumrah	.....	.....	.....
24	Ditto Dhellabarpore	2	.....	2
25	Ditto Hattandah	7	.....	7
26	Ditto Kassimpore	1	.....	1

Extracts from letter No. 95R of 2nd January 1875, *from the Deputy Collector*, Baboo Chunder Narain Singh, *to the address of the Collector of Bhagulpore.*

I proceed to describe the village officials. Among the village officials the first in order is the *gomasta* or *tehsildar*. His business is to collect rents for the zemindar or other holder, to make settlements subject to the approval of his superior, to increase the acreage of cultivation, and superintend the affairs of the village. If the village is a large one, having a large rent-roll, or if several villages belonging to the same proprietor are grouped together, the person in charge of the collections, if any, is generally called the *tehsildar*; but if the collections are small, and there is a separate person in charge of them, he is only called *gomasta*. The *tehsildar* is sometimes associated with another person in making the collections; this official is called *seemal*, and acts as assistant to the *tehsildar*. In some villages, and in certain parts of the district, persons called *malgoozars* or *mokuddums* also collect rents; they are employed as a subordinate machinery for purposes of collection, but not in the making of settlements, unless it be to bring together the ryots for that purpose generally. All persons, whatever their denomination may be, in charge of collections, are paid by a monthly or yearly salary, over and above which they receive some perquisites from the village. The office is not hereditary, and the incumbent is liable to removal at the will of the employer. Sometimes the village headman is also employed in making collections, but this will be taken up in connection with the duties of the village headman in a subsequent paragraph.

Next in order comes the *putwaree* or village accountant. His duties are to write out the *jummabundee*, *jumma-wasil-bakee*, *terij hisab khuera*, and other village papers, and the receipts

granted to ryots and he acts as an associate of the *tehsildar*, whenever there is one In many instances the *putwaree* or accountant fills the place of the *gomasta* or *tehsildar*, and in practice he occasionally collects rents and performs the duties of *tehsildar*, even if there be one. Both these village functionaries are private servants of the zemindar or other person in possession of the village and do work at his bidding.

The *putwaree* is paid either by a monthly salary or by certain percentage on the rent paid by the ryots, varying from one pice to one anna in the rupee, and of the *bhaulee* crop, if rent is payable in kind. In the latter case the allowance is called *hug putwaree*. The *putwarees* generally belonged to the Kaist caste, but *putwarees* of other castes also, and even belonging to the Mussulman class, are to be found. Besides the above allowance, certain perquisites paid by the ryots at the time that they take *farags* or rent acquittances are shared by the *putwaree* with the *tehsildar*.

It is optional with the ryots to pay them or not; but as custom or usage regulates the conduct of the natives of this country, the ryots willingly pay them, as also a certain quantity of rice to the *putwaree* alone, known as his *seedha* This payment is not, however, in vogue throughout the district. The *putwaree's* office is not necessarily hereditary, but it is not unusual that the son takes the place of the father.

* * * * * *

In my opinion it is not practicable to construct out of the materials described above a system of local administration, independent of the zemindar, which would be of commensurate use. And if the local administrative machinery be connected with the zemindar, it is better to trust him rather than his underlings. The *tehsildar* or *gomasta* is the zemindar's servant, and so is the *putwaree*. It may be that the latter official had a *quasi*-public character which, for fiscal purposes, the old *putwaree* regulation assigned to him, but beyond the obligation to keep and render certain village accounts, the regulation did not contemplate that he should be a public servant in any other sense. The *mandal* or village headman is perhaps the only individual among the whole number who can be said to be of comparatively independent position relatively to the zemindar, but he too in many cases is engaged in performing village work for him (the zemindar), and with very few exceptions is too illiterate to be usually drafted for purposes of local administration.

The chowkeedar already does his appointed work, and it is not possible to make him do more without severing his connection entirely with the zemindar.

The remaining persons are of no moment, and are not deserving of separate notice. I do not mean to say that it is not possible to make the *tehsildar* or *putwaree* or the others work independently of the zemindar by making him wholly a public a servant and getting him paid by his late master; but the policy, if adopted, would be tantamount to appointing a person to do administrative work and charge his salary to the zemindar. How far such an appointment would be consistent with sound policy is beyond the scope of this report to discuss. It must also be observed that native institutions, the moment they come into contact with the more civilized and regular administrative machinery adopted by Government, always give way. All the village officials are too much in the leading-strings of the landholders to be of any real value for administrative purposes. If the landholders themselves are excluded from any share in such administration, and if they are also to participate in it, the minor officials may well be excluded, and the entire responsibility of the local administration placed on the shoulders of the landed proprietors. It is true that since the time of the permanent settlement, the Government has followed the policy of mistrusting the landed classes in matters of local administration, and it may be difficult to revert to the opposite policy; but without the zemindar any system of local administration in the present condition of the country is not likely to be successful or durable. The activity shewn by the village officials at the time of the census or the famine does not militate against the view submitted above, as they were exceptional and extraordinary cases. At the time of the census its novelty attracted many to work, and the zemindars themselves in this district instructed their subordinates to come forward as enumerators. Famines affect the population like a revolution, and extraordinary work is done by the classes connected with land.

There is, so to say, a disturbance of the economy of the village, and every one turns his attention to arrest the progress of a common evil according to his means and opportunity. It cannot, however, be concluded from all this that there is sufficient enthusiasm or competency among the village officials which would justify their organization into a regular local administrative machinery.

E.D'S & J. E. S.—Reg. No. 10929C—100—17 12-84.

No. 227, dated Calcutta, the 26th January 1876.

From—H. J. Reynolds, Esq., Offg. Secy. to the Govt. of Bengal, Revenue Dept.,
To—The Offg. Secy. to the Board of Revenue, Land Revenue Department.

I am directed to acknowledge the receipt of your letter No. 610A., dated the 26th October 1875, and in reply to inform you that the Lieutenant-Governor has carefully considered the divisional reports on the subject of the proposed reorganization of the putwary system, and the recommendations of the Member in charge, and I am now desired to forward copy of a Minute recorded by the Lieutenant-Governor, and to communicate the following observations and instructions.

2. The letter from the Board, No. 313A., dated the 14th June 1873, submitted for the approval of Government a set of rules which had been drawn up by the Member in charge for the guidance of local officers in arranging for the appointment and maintenance of putwaries in all estates which might come under settlement. But it was evident that in Lower Bengal the more appointment of putwaries in such estates was a measure, the effect of which would necessarily be very limited; and it was Sir G. Campbell's wish to attempt much more than this, and not merely to appoint putwaries in the estates which might come under settlement, but to reorganize the putwary system generally in zemindaree estates throughout those districts in which there appeared reasons for anticipating that the experiment could be successfully tried. The districts specially referred to in Mr. Bernard's letter No. 2525 of the 20th September 1873 were those which comprise the divisions of Patna, Bhagulpore, Orissa, Rajshahye and Cooch Behar.

3. No further orders are required at present in regard to Orissa, as it has been ascertained that to re-establish putwaries now in Orissa would involve Government in an expenditure which would probably amount to not less than Rs. 85,000 a year; and it has consequently been determined, in accordance with the recommendations of the Commissioner and the Board, to take no steps for a general appointment of putwaries until the re-settlement of the province, when the necessary provision will be made in the settlement proceedings.

4. From the enclosure to your present letter, it appears that the Commissioner of Rajshahye and Cooch Behar is of opinion that the experiment of re-establishing the putwary system could not be tried with success in any of the districts of his division. It is remarked in your letter that Mr. Cockerell's arguments, if their force is admitted, would be of general application, and would not merely extend to the particular districts to which he refers. But it appears to the Lieutenant-Governor that a distinction may be drawn between localities in which the putwaries are still maintained as the servants of the village community, and those in which these officials have ceased to exist, or have become mere subordinates of the zemindar. In districts of the former class, it may be practicable to utilize the services of the putwary in the manner now proposed, without incurring the risk of those evils which might reasonably be apprehended if the experiment were tried in localities of the latter class. According to the Commissioner's report, it is to the latter class that the districts of his division belong; and, under these circumstances, the Lieutenant-Governor concurs in the conclusion of the Member in charge that in the districts of the Rajshahye and Cooch Behar Division it is not desirable that any attempt should be made to revive the putwary system, at least till the plan has been tried in localities which seem to promise a more successful result.

5. In the Patna Division the case is different, as the putwary system already exists there in some measure of efficiency and vitality, and requires nothing more than regulation and improvement. The Member in charge accordingly proposes to make a beginning, first, in the district of Patna, and afterwards to extend it to other districts of the division. The Lieutenant-Governor assents to the proposal that a commencement should be made in the Patna district; but he sees no reason why a beginning should not also be made in the other districts, especially those of Mozufferpore and Durbhunga. He begs accordingly that this be arranged as soon as possible: and that the early extension of the plan to all parts of the province of Behar, including the Patna and the Bhagulpore Divisions, be borne in mind.

6. The suggestions which have been made by the Commissioner regarding the mode in which the reorganization should be effected appear generally judicious; but the Lieutenant-Governor desires to commend, to the attention of the Member in charge, the remarks offered in the letter already referred to, No. 2525 of the 20th September 1873, and to request that care may be taken to adhere, as closely as circumstances will permit, to the scheme prescribed by the old Regulations, viz. VIII of 1793, IV of 1808, and XII of 1817: and also that the forms and registers which may be prescribed shall be as few and as simple as is consistent with the attainment of the object in view.

7. The principal difficulty seems likely to be experienced in dealing with estates held in joint-tenancy, in which at present each shareholder has his own putwary. If the projected Bill for the appointment of a joint-manager for such estates should become law, the

appointment of a joint-putwary would naturally follow; but, as the case stands at present, the difficulty of dealing with such estates is considerable, and can best be overcome by obtaining the co-operation of the shareholders in carrying out the arrangements. The Lieutenant-Governor would hope that such co-operation will not be wanting.

8. With reference to the 12th paragraph of the Board's letter, I am to observe that Moulvie Dalilluddin, whose transfer to Patna is recommended, is now a Deputy Collector in that district, and that he would appear to be a suitable officer to entrust with the supervision of the scheme.

9. Before passing final orders on the case, the Lieutenant-Governor will await the submission of the amended rules and registers referred to in the 17th paragraph of your letter, and I am to request that these may be forwarded with as little delay as possible.

10. I am to add that the Lieutenant-Governor agrees to the proposal that the same measures as are recommended for adoption in the Patna district should also be introduced into the district of Monghyr in the Bhagulpore Division, and indeed into all the other districts of both divisions as soon as may be conveniently practicable.

W LoR.—Reg No 10930C—100—16-12-84.

SYSTEM OF APPOINTING PATWARIS IN ESTATES UNDER SETTLEMENT IN BENGAL PROPER.

No. 623A., dated Fort William, the 18th September 1879.

From R. H. WILSON, Esq., Officiating Secretary to the Board of Revenue, L.P.,
To—The Secretary to the Government of Bengal, Revenue Department.

I AM desired to submit the following report on the introduction, a few years back, of the system of appointing patwaris in estates under settlement in Bengal Proper. This report like that submitted with my letter No. 622A. of the same date, regarding the patwaris in Orissa, is chiefly based on remarks recorded by Mr. Mangles before leaving the Board; but Mr. Buckland concurs in the views expressed.

2. In paragraph 163 of the Board's Land Revenue Administration Report for 1877-78 it was pointed out that many officers who had tried the patwari system condemned it as being vexatious and irritating to the landlords, absolutely useless for all practical purposes; as causing waste of valuable Government money, and as running altogether counter to the present habits, customs, and traditions of the land-holding classes in Bengal. The Board desired, however, to have further information than had yet come before them before expressing concurrence in this opinion.

3. In paragraph 36 of the Government resolution on the Board's report fear was expressed that matters were as above described, and the Lieutenant-Governor asked the Board to submit a report, after consulting Commissioners, showing specially—(1) what efforts had been made to render the institution practically useful; (2) what rules, if any, had been laid down for the guidance of patwaris in these scattered estates; and (3) how the rules had worked.

4. A short retrospective view of the circumstances under which the system was introduced is essential to a proper understanding of the question.

5. On the assumption, seemingly, that patwari establishments existed throughout the Lower Provinces, the Government of India in 1869* suggested a scheme for improving the status and utilizing the services of patwaris generally in Bengal. A reference was made to the Board who, after consulting the Commissioners, represented† that patwaris existed and formed a general institution, though in a disorganized state, only in the two Behar divisions. It seems to them therefore that to revive, throughout Bengal, the provisions of an absolute law and impose patwaris on all zemindars would be a most unpopular measure, and one of which the advantages would not compensate for the heavy expense it would entail on zemindars, and for the disfavour with which it would be received. Under these circumstances, the Board were of opinion that the scheme was inapplicable and impracticable in Bengal.

* See the correspondence ending with Government order No. 1500, dated 15th April 1869.

† In their report No. 6414B, dated 22nd September 1869.

6. No orders were received on this communication, and so matters seem to have rested until 1871, when it appeared, from the Patna Commissioner's report for 1870-71, that in 1869, finding the patwari law a dead-letter, he took steps to revive the system in his division. The Board noticed the fact in their supplementary land revenue report for that year, and Sir George Campbell in his resolution thereon, dated 30th January 1872, expressed a hope that the—

"efforts already made by the Commissioner of Patna to render the patwari more independent would be successful."

His Honor also expressed—

"concurrence with the Commissioner's opinion that, to make the patwari system fully efficient, canoongoes also were required, and that there should be in Collectors' offices proper records of the right of all parties."

7. These remarks were never supplemented by any direct orders enjoining the reconstitution of the patwari body. But the Board, knowing the general views of Government on the subject, took the initiative and, with the approval* of Government, issued a circular order, dated 22nd November 1872, requiring that in all future settlements provision should be made for appointing a patwari; and that, where an estate might not be of sufficient extent to require a special patwari, the proprietor should be required, in the spirit of section 33, Regulation XII of 1817, to engage to perform the duties of patwari. And, special cases apart, it was laid down as a general rule that estates yielding Rs. 100 and upwards Government revenue might be regarded as sufficiently large to admit of the appointment of a patwari.

* Government order No. 4603, dated 2nd November 1872.

8. In June† 1873 the Board addressed Government on the subject, sending up a code of rules for the appointment and regulation of patwaris in newly-settled estates throughout the country, and saying that, should Government direct a fresh attempt to reconstitute the patwari system throughout Bengal or in the Behar provinces, those rules, with any necessary modification, might be adopted.

† See Board's Nos. 313A. and 314A., dated 14th June 1873.

9. The reply‡ to this was, so far as can be traced in this office, the first and the last order of Sir George Campbell containing any definite instructions on the general question. It was there said that His Honor desired to revive the old patwari system in the divisions of Behar, Cooch Behar, and Rajshahye. Directions were given as to the *modus operandi* in giving effect to the orders, and suggestions were made as to the rules to be issued by the Board being drawn up much in the words of the old Regulation, so far as might be adopted and followed.

‡ Government order No. 2525, dated 20th September 1873.

10. These orders were communicated to the Commissioners concerned, and the Board's report on the subject was submitted to Government in October§ 1875, setting aside the question touching the Behar divisions, which was also taken up in that letter, and which will be dealt with separately as soon as complete information is received from the local officers. It was shown that the Commissioner of the Rajshahye and Cooch Behar Division considered the reorganization of the system impracticable, being of opinion that the appointment of patwaris would be attended with disadvantages which would more than counterbalance the benefits to be derived, because patwaris could not be expected to be honest, independent, or thoroughly reliable. These grounds, if true, seems to the Board to militate against the appointment of patwaris, not only in that division, but throughout all others, because, from the class of men from whom patwaris have to be selected on the scale of remuneration secured to them, it was hopeless to expect in any great degree the necessary qualifications of honesty, independence, and reliability. Such being the case, the Board were of opinion that little, if any, permanent advantage would result from an attempt to resuscitate the system in that division.

§ No. 610A., dated the 26th October 1875.

11. Upon this Sir Richard Temple recorded a minute‖ saying—

‖ Enclosed in Government order No. 227 dated 26th January 1876.

"However much I may personally be in favour of maintaining the patwari or village accountant as an institution, which is to be reckoned among the ancient institutions of the country, I must admit that this institution is extinct in Bengal Proper, and that no attempt at reviving it could properly be made there; not even in some of the northern districts, where a partial revival was apparently thought possible at one time. In states which become the property of Government, wherever a whole village passes under our full control, the establishing of a patwari will be a very proper measure, even in Bengal.

12. From this it appeared that no further action was required in regard to Bengal Proper, and none was taken. In deference to Sir George Campbell's wishes to resuscitate the patwari system in Bengal, the Board issued their circular order of 22nd November 1872, cited in paragraph 7 above. No rules have been laid down for the guidance of patwaris in the few and scattered estates in which they have been appointed, nor were any instructions issued on the subject to district officers other than those contained in that circular order It cannot now be ascertained how this omission occurred. The probability is that the Board designedly abstained from publishing any general rules on the subject with reference to Sir Richard Temple's views quoted in the preceding paragraph. That being so no further answer is needed on points (2) and (3) of the Government call. In regard to point (1), Commissioners were asked to report whether the patwari system ought to be fostered or not, and whether the money set apart at each settlement to provide a patwari had been well spent or wasted. The following is the substance of their replies:—

(a) *Burdwan Division.*—Patwaris exist, as shown in the margin, only in Hooghly and Midnapore, and they keep up regular registers. All the Collectors agree that these officials are of no practical use. Mr. Ravenshaw, speaking from experience gained in Orissa, says the system is certainly beneficial both to people and zemindars, and useful to Government in keeping registers and gathering agricultural statistics and information. He would be sorry to see patwaris done away with.

In Hooghly	1
„ Midnapore	6

(b) *Presidency Division.*—The Collector of Moorshedabad, Mr. Rees, and Mr. Kirkwood, the Joint-Magistrate, are advocates for the retention of patwaris as an excellent institution; and though it would be difficult, they do not think it would be impossible to compel patwaris to keep and submit proper accounts. For example, they might be required to make affidavit as to the correctness of their papers. The patwaris, they urge, might be extensively utilized in collecting local statistics, if highly intelligent and educated persons could be found to take up the appointments. All the other Collectors are of opinion, and the Commissioner agrees with them, that the expense now incurred for patwaris in a few isolated estates is practically useless and a mere waste of public money. Government has derived no benefit from the patwaris who have been appointed within the last few years. No information has ever been called for from the patwaris in Nuddea, and the Collector believes that, if they have any to give, it would be far from reliable. The Commissioner observes that patwaris, no doubt, are in a position to supply valuable information, but it is impossible to secure trustworthy and intelligent men for the almost nominal rate of pay now allowed. And even if their salaries were raised, it seems doubtful to Commissioner whether the result would justify the expense. At best the patwari would be the servant of two masters, and any information required could, it seems to Commissioner, be obtained far more accurately and at a cheaper cost through the agency of the subordinate executive establishments. Commissioner therefore recommends that the appointment of patwaris in the *Presidency Division* should cease, and that the amounts already deducted from Government revenue for their maintenance should be at once resumed

(c) *Rajshahye and Cooch Behar Division.*—Three Collectors—Messrs. D'Oyly, Wyer, and Livesay—express the opinion that the system would be distasteful to the zemindars. Mr. Wyer says that patwari papers would be very useful if they would save measurement. Mr. Clay of Pubna says that the few appointed there are of little use, but the money has not been wasted, as the patwaris will be useful when settlements are going on. The fact is, as Lord Ulick Browne observes, that, in this division, no attempt has yet been made to utilise patwaris, and so few have been appointed that there are really no means of forming an opinion on the question asked by Government.

(d) *Dacca Division.*—The Collector of Dacca, whom the Commissioner consulted, reports that, as things at present stand, the money paid for patwaris is simply a loss, with no corresponding gain. The Collector doubts if the system, even if it were worked, would do any real good, while it may produce agrarian disturbances. Mr. Pellew agrees with the Collector as regards Bengal. The more experience he has had of patwaris, the less reason he has found for continuing them.

(e) *Chittagong Division.*—Mr. Beames has addressed the Board at some length on the advantages of the patwari system generally, looked at seemingly from a Punjab point of view, he having received his early training and favourable impressions of the system in the Punjab, where it is said to be admirably worked with great success. He writes:—

"It is only in Bengal Proper, I think, that any doubt can fairly be cast on the utility of patwaris. The patwari is an essential constituent of the old village community, and in a province where the village communities have either fallen into decay or have never existed, it is undeniable that the patwari is not so useful as elsewhere."

In the Chittagong district, there being no village communities, in the up-country acceptation of the term, and the landed properties of both Government and the zemindars being very scattered, no patwaris have been appointed, and they would be of no use if they were appointed. But in Noakholly, where there are large zemindaries and extensive Government estates, patwaris would be very useful, and are necessary.

The failure in Bengal is due, Mr. Beames thinks, to a want of proper supervision over patwaris on the part of local officers. To prevent the patwari from becoming a mere tool in the hands of a zemindar, farmer, or the ryots, and to render his papers valuable, active supervision is required, which, Mr Beames says, can be exercised to a great extent by sub-deputies and canoongoes. He also suggests the recasting, in part at least, of Regulation XII of 1817, which is not clear on some points. At present Munsifs make no use of patwari's papers, probably because, as a rule, they are not aware of the existence of patwaris. The re-enactment of that Regulation will therefore also have the effect of calling attention to the existence of the institution.

(f) *Chota Nagpore Division.*—There are no patwaris except in one estate in Palamow, transferred from Gya. Mr. Hewitt thinks that the system as organized in Behar would afford most valuable aid to local officers; but before getting patwaris into working order it will be necessary to have village measurements and a thoroughly organized system of village accounts. As these are utterly wanting in his division, Mr. Hewitt would not attempt to introduce patwaris there. But if a regular settlement were made by locally trained amins, it might be introduced with great advantage. At present, even in settled estates, nothing could be done except to introduce aliens to keep the accounts—a measure which would be a fruitful source of dispute and litigation.

13. The office and duties of patwari are at present neither known, nor appreciated by the people in Bengal. All settlements are made after careful measurement and record of rights of all parties concerned. In Government estates, settlements-holders are prohibited from enhancing the rates during the term of settlement, and all settlement-holders are bound to submit copies of their rent-rolls whenever required to do so by Collectors. The same process will have to be gone through, and the restrictions and obligations will be imposed at each succeeding settlement. Neither the district officers nor the civil courts are therefore likely to refer to the untrustworthy papers which may have been drawn up and filed by the patwaris. District officers, indeed, have no occasion, as a general rule, to make use of the information which patwaris' papers contain, while the civil courts are precluded by the law of evidence from admitting them.

14. Writing on the subject ten years ago, Mr. Rivers Thompson, while Commissioner of the Presidency Division, said that none of the duties specified in the Regulations were required from patwaris in Bengal. He did not think that—

"any appreciable service to the fiscal administration of the country could reasonably be ever expected from such an institution at any time * * * * in the numerous details of settlements or any of the most ordinary collectorate duties."

Nor were the men, in Mr. Thompson's opinion, sufficiently intelligent or educated to be entrusted with the collection of any statistical information—an opinion which has lost nothing by the effluxion of time, having as much weight now as it had then.

15. In conclusion, the Board desire me to express their concurrence in opinion with the large majority of district officers and Commissioners, and to recommend that the scheme should no longer be attempted, and that all allowances which have hitherto been granted for the maintenance of patwaris in a few isolated estates should be resumed.

W. J.—Reg. No. 1089/C—100—17-12-84.

No. 2769—1125LR, dated Calcutta, the 30th December 1879

From—H. J. Reynolds, Esq., Secy to the Govt. of Bengal, Revenue Department,
To—The Secretary to the Board of Revenue, Land Revenue Department.

I am directed to acknowledge the receipt of your letters Nos. 622A and 623A, dated 18th September 1879, regarding the working of canoongoes and patwaries in Orissa, and the appointment of patwaries in certain parts of Bengal.

2. In reply, I am to say, with regard to the canoongoes in Orissa, that the Lieutenant-Governor is satisfied that they have worked well as a body, and are useful and necessary for the purposes of revenue administration.

3. Regarding the employment of patwaries in that province, however, it appears that all the district officers, with the exception of Mr. Beames, late Collector of Balasore, are agreed that the system has failed. Mr. Norman, Mr. Beames' successor, recommends the abolition of the patwaries, the resumption of their jaghirs as they fall in, and the abrogation of the rule requiring the zemindars to submit patwaries' papers. The Commissioner and the Board concur in declaring that the whole system is a failure, and recommend that the call for papers from the zemindars be abandoned; but regarding the existing patwaries they submit no recommendation.

4. Having carefully considered the question and the opinions recorded by the local officers and the Board, the Lieutenant-Governor deems it inexpedient to abolish the patwaries who are in existence, and who are provided for by the settlement, or to resume their jaghirs. They are not perhaps very useful at present, but they may be made so at some future time, as the experience of Mr. Beames in Balasore seems to show. As regards the call on the zemindars for papers, it would appear that the attempt to enforce this obligation was from the first unpromising. The duty was undertaken after protracted resistance, and is scarcely performed at all; never with tolerable punctuality or without pressure being brought to bear. The papers when filed are, moreover, thoroughly discredited, and the great majority of the zemindars accept heavy fines rather than supply any. It is clear that the expedient has failed now as it did twenty years ago. The Lieutenant-Governor further observes that section 33, Regulation XII of 1817, under which the zemindars have been required to submit the papers, was intended to provide an occasional and exceptional alternative, and not to be a substitute generally for the law. Having regard to this restricted application of the section, and to the fact that the enforcement of the demand for patwaries' papers is declared to be as vexatious and harassing to the zemindars as it is useless to Government, the Lieutenant-Governor approves of the withdrawal of the orders requiring the landholders to furnish these papers, and of the requisite modification being accordingly made in the rules and instructions published under orders, dated 29th February 1876.

5. Concerning the working of the patwary system in Bengal Proper, the abstract of the opinions of the Commissioners and Collectors given in your letter No. 623A, quoted above, leaves no room for doubt that the allowance now made for the maintenance of patwaries in Bengal affords no appreciable advantage in return. No useful work has been performed by the patwaries, and it seems hopeless to expect that they will ever look upon Government as having any serious claim to good work from them. As a practically new institution they have not acquired any hold on the people or any authority, and they in fact occupy the position of zemindari servants maintained at Government expense. Among the Commissioners, Messrs. Ravenshaw and Beames alone are of opinion that patwaries are or may be made useful public servants, while the majority of the Collectors consulted agree that they are of no practical use. The Collector of Moorshedabad, Mr Rees, and Mr. Kirkwood, the Joint-Magistrate, think that they might be utilized in collecting local statistics, if intelligent and educated persons could be found to take up the appointments; but it is needless to remark that men of this class could hardly be obtained at the rates of salary offered. The Board concur in the opinion that no useful service can be expected from the patwaries, and recommend that the revival of the system be no longer attempted, and that the allowances which have been granted in the few isolated estates in which patwaries have been appointed be resumed.

6. This view the Lieutenant-Governor considers is fully supported by the information and opinions collected on the subject, and received personally from district officers whom he has consulted, and he accordingly approves of the Board's recommendation, and desires that effect may be given to it at once.

7. I am to add that the report on the working of the system in the Behar Division, promised in the 10th paragraph of your letter, is awaited.

W. LeB.—Reg. No. 12096C—112—3-1-85

Note by Mr. Finucane, *Secretary, Behar Rent Committee, submitted to the Behar Rent Committee on correspondence laid before them regarding putwaries.*

In connection with this subject it has been proposed to sever the connection between putwaries and zemindars altogether, and to make the former mere village accountants and record-keepers. This object it was proposed to attain by putting putwaries in Behar on the same footing as they stand in the North-Western Provinces.

Mr. Hodgkinson would drop the putwaries altogether as being "an unmitigated and incorrigible scoundrels": Baboo Bhoop Sen Singh looks on the putwaries and his basta as a nuisance. Mr. Hudson would not allow the putwari any executive functions whatever. Were "it possible to sweep away putwaries by a stroke of the pen, that stroke would, Mr. Hudson thinks, do more good to the Behar ryot than all the provisions of the new Act. If the putwari cannot be dispensed with, Mr. Hudson would retain him as a village registrar. Mr. Gibbon is of opinion that all the suggestions made with reference to putwaries tend to convert them from the zemindar's nominal servants into their masters. He is strongly of opinion that a clear sweep should be made of the present system, and that the putwari should be made a servant of Government, paid by Government. He should be a record-keeper, and nothing but a record-keeper, entrusted with no executive powers. He should have nothing to do with the village collections, granting receipts, giving kabuliyats, &c., &c.

Mr. Gibbon writes:—"The putwari being the record-keeper, the zemindar should be compelled to hand him copies in duplicate of the past year's rent-roll (jummabundi) and balance sheet (wasilbaki), the current year's tioca land accounts (arsatta) and instalment paper (behri), quarterly returns of all assessment papers (khusras), and also collections made (seahas), memoranda of lands relinquished by ryots, and new-land *bundobustee* with ryots, with a list of pottahs given and kabuliyats received. One copy should remain with the putwari, the other be signed by the putwari and returned to the landholder. The putwari should be a good accountant and know something of surveying, in case you think it necessary that all measurements of jotes should be conducted by the putwari.

"The ryot should at all times have access to the putwari's papers, and the putwari should be bound to afford him all information as to the state of his accounts. Instead of each petty village of from Rs. 100 to 200 rent-roll having a putwari of its own, the district should be divided into circles with rent-rolls of not less than Rs. 5,000, not more than Rs. 10,000. It should be optional with landholders to dispense with the present staff of men. *Half the amount of money now expended by zemindars on the present staff paid into the Government treasuries would be sufficient to secure the services of efficient men*, and would be a saving to the zemindars, as it would enable them to get rid of the men who cannot afford to be honest on the small salaries they receive.

"All returns called for by district officers should represent the exact terms of the holding, however ridiculous to them such terms may appear."

It thus appears that there is a general consensus of opinion—

1st—As to the putwaries being now not worthy of trust;

2nd—As to the expediency of severing the putwari's connection with the zemindar as his paid servant;

3rd—As to the expediency of rendering the putwari altogether a Government servant, paid by Government.

As to the first point, everybody is agreed.

As to the second and third, it is suggested that zemindars at present realize from the ryots throughout Behar a cess of 3 pie in the rupee (called *hisabana*); that in order to render the putwari a paid servant of Government, all that is required is to legalize this cess, and to have it paid into the Government treasury with the Government revenue. This is done in North-Western Provinces, in both temporarily and permanently-settled districts, and there seems to be no sufficient reason why it should not be done in Behar. Baboo Harbans Sahai expressed his strong aversion to the imposition of further cesses, and everybody would agree with him if such cesses can only be avoided. There seems to be no difference of opinion as to the expediency of either—

1st—Making the putwari, in fact as well as in law, a *bonâ fide* Government servant, paid by Government, a village record-keeper and nothing more; or

2nd—Of dispensing with him altogether, and allowing the zemindar to dismiss him at his pleasure and treat him in every respect as his own servant.

The second course seems to be open to very grave objections. Granting that the putwari is as bad as he is described, it is not clear how his *morale* will be improved by handing him over entirely to the zemindar's control. It would be unreasonable to suppose that any law will sweep away an institution which has survived the changes of centuries. I take it, that the effect of withdrawing all supervision on the part of the revenue authorities over putwaries would be, that the putwari would continue to exist as he has existed for the past hundred years without such supervision, but that his rascality would manifest itself entirely in favour of the zemindar, and against the ryot.

If the putwari be as bad as he is painted, it must be remembered that his dishonesty does not arise from any innate depravity peculiarly attaching to his class and to no other. He has been, up to the last year or two, entirely a zemindari servant. Zemindars

and thikadars have hitherto dismissed and appointed putwaries at their pleasure. If, then, the putwari is such an incorrigible villain as he is described to be, it would seem to me that this fact is due to his having been hitherto so much under the zemindar's control, and because he has been so little subjected to the supervision of the revenue authorities.

In being impossible to abolish the putwari altogether to render him a zemindari servant, pure and simple, would, it seems to me, be only going from bad to worse. Moreover, Government having within the last two or three years resolved to improve Behar putwaries, and to put the regulations regarding them in force, and the putwaries of some (if not of all) districts having received sunnuds of appointment, and having been duly registered in the Collector's books, it would appear unreasonable to ask that these measures should be now reversed without at least a fair trial. Whatever the objections to reviving the institution of putwaries may be, these objections were as strong two years ago as they are now; and it is to be presumed that they were duly considered. I therefore think with Mr. Gibbon that we should aim at improving the putwari, and not at abolishing him; that this object can only be attained by making him a village registrar and accountant and nothing more; that he should be independent alike of the ryot and the zemindar; that he should be paid by the State direct; that he should be subject to the supervision of a canoongo to be appointed for each thana: and that the records of the canoongo and putwari alike should be scrutinized by sub-divisional officers on tour, in the same way as is done in the North-Western Provinces by tehsildars and Assistant Collectors.

To carry out this scheme it would be necessary to legalize the cess known as *hisabana*, and to have it paid into the Government treasury with the Government revenue. From the fund thus created putwaries and canoongoes might be paid in the same way as they are now paid in the North-Western Provinces. If zemindars are very much opposed to the collection and payment of this cess, it might, I think, be realized, like the chowkidari cess, from the ryots direct, and proclamation might then be published in every village to the effect that ryots are no longer bound to pay to proprietors *hisabana*, or other prohibited cesses. I am sure the ryots would then pay the putwari cess without demur. Indeed, the latter might be the better course to adopt, whether zemindars are willing to pay *hisabana* into the Government treasury or not. If the cess were realized by Government from the ryots direct, it would be distinctly brought home to putwaries that they are village accountants and public servants, and not zemindari servants; and they might in a short time and with a little supervision be thus made as useful in Behar as they now are in the North-Western Provinces. There putwaries make measurements and maps of their villages: they can give the history of each individual field, and they are described in the settlement reports of revenue officers as most valuable public servants.

M. FINUCANE.

BANKIPORE,
January 1878.

W. J.—Reg. No. 13648C—100—2-2-85.

Extract from Report by MR. HUDSON, *Secretary, Behar Planters' Association.*

It is now worth his (*i.e.* the ryots) while to assert his right to occupy a certain plot at a certain rent.

Can he do so?

It is the unanimous verdict, both of his friends and adversaries, that he cannot. This is one of the main objects, I believe, of a draft Bill being prepared by the Collector of Mozufferpore to be submitted for the opinion of the Commission on the new rent law for Behar at their meeting next month.

From the official papers on this subject that I have been favoured with, I perceive that, by a general consensus of official opinion, it is determined that it is necessary on the one hand to strengthen the ryots' position by every legitimate means, and on the other to enable landlords to recover "undisputed arrears of rent" summarily, and it may be presumed that the general effect of the new Act will be to achieve these results more or less successfully.

On the ryots' side the two main objects are—(1) the facilitation of the acquirement of a right of occupancy; (2) the prevention of illegal enhancement and distraint.

All the suggestions on the subject resolve themselves into detailed methods to attain these. Some of these suggestions will, I think, be found inapplicable to the present state of our local machinery, but we may safely confide the ultimate arrangement of these to our professional legislators, aided by the experienced executive officials who have taken the matter up: so I presume that a good sound set of provisions forming the new Act will be the result.

Now comes the test! How will they be applied? I must enter my feeble but solemn protest against the employment of the village patwari as the vehicle for their application. He is the man who has prevented "Act X" and subsequently "Act VIII" from attaining their legitimate object. He has everything to lose and nothing to gain by the success of the new Act, and with his permission it never will succeed. Othello's occupation then indeed be gone!

It is inconceivable that men with smallest experience of these vile parasites should propose to allow them *any executive functions whatever*. Were it possible by a stroke of the pen to do away with them entirely, that simple pen stroke would do more real good to the Behar ryot than all the provisions of the new Act are likely to afford him.

In the name of justice, let Government try to place landlord and tenant face to face without the intervention of this pest. If he cannot be dispensed with at present, then make him simple *village registrar* under severe penalties for dishonesty, *but* let him have no executive functions whatever.

C E G—Reg No. 188510—100—8 8 85

Extract from letter from D. N. REID, Esq., *Indigo Planter, Suddowah, Sarun, to* F. M. HALLIDAY, Esq., *Commissioner of Patna, dated Suddowah, the 21st October* 1878.

I HAVE carefully perused all the papers connected with the new Rent law for Behar, which you forwarded to me with your letter of the 14th ultimo.

2. The question has been most powerfully grasped by those officers who have had the longest and most intimate experience of Behar. Sir Stuart Bayley's note of the 8th July 1878, and Mr. Worsley's demi-official of the 9th October 1877, place the subject before us in its entirety. I therefore strongly urge that these gentlemen's suggestions should form the nucleus of the new Rent law.

3. Mr. Worsley in the last paragraph of his letter in a way apologises for the warmth of his language, and is afraid that his suggestions may be considered of too drastic a nature. But let me assure you that nineteen years' experience of Behar ways and customs has convinced me that half-measures are not sufficient to clear away the confusion in all relations existing between the zemindar, middleman, and ryot, and consequently I most heartily endorse every word in Mr. Worsley's letter.

4. *To improve the system of zemindari accounts in connection with the obligations imposed on putwaries,* I would suggest that only *one* registered putwari be recognised for each village. At present each separate shareholder has his own putwari, and it is a common thing to find eight or ten putwaries to one village, all of them creatures of the zemindars, and all of them engaged in gorging themselves at the expense of the ryots. This condition of things can only prove most detrimental to the interests of the poor man, who has to settle accounts with three or four different putwaries in the year; for in large villages, owned by a number of petty zemindars, it is seldom that the ryot holds all his land in one single shareholder's estate. Mr Worsley's suggestion, that the putwaries' fees should be paid into the Government treasury, and made over by the agency of revenue officers to the putwaries, is good and should be acted on. The accounts should all be kept in bound books, and the use of counterfoil receipts ought to be made compulsory.

W J.—Reg. No. 13550C—100—31-1-85.

Extract from a letter from T. M. Gibbon, Esq., to the President, Behar Rent Law Committee, dated Chumparun, the 24th October 1878.

THE putwari, as he now stands, is neither the servant of the Government, the servant of the zemindar, nor the ryot's friend; he is a nondescript. We cannot work with him, we cannot work without him; his evidence is not trusted, and yet no evidence is considered satisfactory unless confirmed by him. His signature to an account is of no value legally as against zemindar or ryot, and yet when zemindari returns are required by Government, nine district officers out of ten accept his signature in preference to that of the landholder.

He is supposed to be nominated by the landlord, confirmed in his appointment by the Collector of the district, and yet on the death of a putwari the landlord's nominee is often set aside in favour of the putwari's heir. The landlord is supposed to nominate the fittest person: he generally gives it to the highest bidder.

I am strongly of opinion that a clean sweep should be made of the present system.

The putwari should be nominated by the district officers, be the servant of the Government, paid by the Government; he should be as originally intended "a record-keeper," and nothing but a record-keeper, entrusted with no executive powers. He should have nothing to do with the village collections, granting receipts, giving pottahs and kabulyats, &c., &c.; the zemindar should be compelled to do all this through his own servants.

The putwari being the record-keeper, the zemindar should be compelled to hand him copies in duplicate of the past year's rent-roll (jummabundi) and balance sheet (wasilbakee), the current year's ticca lands account (ursutta), and instalments paper (beheree), quarterly returns of all assessment papers (kusras), and also collections made (seahas,) memoranda of lands relinquished by ryots and new lands bundobusta with ryots, with a list of pottahs given and kabulyats received.

One copy should remain with the putwari, the other be signed by the putwari and returned to the landholder. The putwari should be a good accountant, and know something of surveying, in case you think it necessary that all measurements of jotes should be conducted by the putwari.

The ryot should at all times have access to the putwari's papers, and the putwari bound to afford him all information as to the state of his account.

Instead of each petty village of from one to two hundred rupees rent-roll having a putwari of its own, the district should be divided into circles with rent-rolls of not less than Rs. 5,000, not more than Rs. 10,000. It should be optional with landholders to dispense with the present staff of men.

Half the amount of money now expended by zemindars on the present staffs paid into the Government treasuries would be sufficient to secure the services of efficient men, and would be a saving to the zemindars, as it would enable them to get rid of the men who cannot afford to be honest on the small salaries they receive.

All returns called for by district officers should represent the exact terms of the holdings, however ridiculous to them such terms may appear.

C. H. G.—Reg. No. 18551C—100—81-1-85.

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Extract from a letter from Baboo Jai Prakash Lal, Manager, Dumraon Raj, to the Commissioner of the Patna Division, dated the 6th November 1878.

With reference to your letter No. 229, dated 14th September last, enclosing the papers that are to be laid before the Behar Rent Law Commission, I have the honour to report as follows:—

I.—Improvement of the system of zemindari accounts in connection with the obligations imposed on putwaris.

Everybody agrees in thinking that the present system of keeping zemindari accounts in slips of paper, under which they can be prepared *ad libitum* for the occasion, ought to be changed and bound books introduced instead. They differ, however, as to the probative force of these accounts when properly kept. Some would have the patwaris' accounts as conclusive evidence of the matter or matters contained in them, while others would have it merely as checks upon the zemindari accounts. In point of fact the putwaris' accounts are merely the counterpart of the zemindari accounts. The papers, however, do not indicate what sort of accounts should be kept by the zemindar and the putwari; the present zemindari accounts are these:—

Jamabundi, siaha, kabulyat, khatiani and wasilbaki in nakdi tenures, and in bhaoli there are, besides these, danabundi chittas and agorahatai papers.

An improvement has, however, been made in this system in Raj Dumraon and some other big estates of Shahabad, where printed forms of receipts with counterfoils have been introduced with much advantage. In the Dumraon Raj especially such an improvement has proved advantages. I believe the power now invested in the Board of Revenue is quite ample for all practical purposes. By section 16, clause 1 of Regulation XII of 1817, the obligations imposed on the putwari are -

"To keep such registers and accounts relating to the village or villages to which he is appointed in such manner and form as has hitherto been the custom, or in such other mode as may be hereafter provided by the Board of Revenue," &c.

If the Board of Revenue were to prescribe the form and mode in which the accounts were to be kept by the registered putwari in accordance with the powers given to him under this section, all purposes would be served and an uniform system of keeping up accounts would spring up. The Putwari law therefore does not need any change unless some radical change in the mode of appointment of putwaris and their remunerations—in point of fact, a disseverance of their connection with the zemindar according to Mr. Worsley's proposals—be contemplated; but the Putwari law may be supplemented by a provision in the Rent law (Act VIII of 1869 B. C.) to the following effect, as contemplated by the draft law of Mr. MacDonnell:—

After section 43, the following proviso to be added: "Provided that no plaint for arrears of rent, or for ejectment on account of non-payment of rent, shall be admitted, unless it be accompanied by the zemindari accounts or other documentary evidence on which it is based, such zemindari accounts or other documentary evidence being in the form prescribed under clause 1 of section 16 of Regulation XII of 1817 by the Board of Revenue for the putwari accounts." One improvement in these forms, which may be advantageously introduced and insisted upon, would be for the ledger accounts (khatiani or jamabandi) to specify the boundaries of the ryot's holding, and those boundaries to be so specified as to give a definite idea of such holding. At present the method is to describe the ryot's holding by merely giving the name of the khand in which it is held. This is vague in the extreme, for several ryots hold in the same khands, nor does the number in the Government survey give any precise idea of such holding.

With this object a little addition also to section 43 would be much useful. At present that section ends thus: "If the arrear is alleged to be due from any ryot, the plaint shall further specify the quantity of land, and where fields have been numbered in a Government survey, the number (if it be possible to give it) of each field." It should be thus—

"If the arrear is alleged to be due from any ryot, the plaint shall further specify the quantity of land, *the boundaries of such land*, and where fields have been numbered in a Government survey," &c.

As for the proposal for disseverance of the connection between the landlord and the putwari, and making him a public notary, I have humbly to submit that the putwaris as they are with their small amount of remuneration would be more dangerous to the parties concerned as petty Government servants than they are at present as zemindars' amla. One advantage noted by Mr. Dampier in the filing of putwaris' papers year by year under the regulation cannot be lost sight of. He says: "It may be that the putwaris are not so trustworthy that their entries can be accepted with confidence; but at any rate the deposit of their papers year by year in the custody of the Collector, so far affords a guarantee that there can be no alteration of them to support acts of fraud or oppression which had not been conceived when the papers were originally written." In process of time dishonest zemindars will find their hands absolutely tied, and this will be no small gain at the end. As to the probative force

of these papers, I would leave the matter as it is. The advantage of having the putwari the zemindar's accountant will be that the zemindari account will never differ from the accounts of the registered putwari, and if they do, and are attempted to be used as evidence, the zemindar and the putwari can be easily punished for forgery. But to remove any difficulty that might arise in respect to this matter, I would suggest that the putwaris' accounts, when filed in the collectorate, be countersigned by the zemindars' mutasaddi or tehsildar, or by the zemindar himself. This will very likely prove advantageous both to the zemindar as well as to the ryots. In case of any difference arising or existing between the zemindar's mutasaddi and putwari in respect to these accounts, viz. if they do not join in the signing thereof, the matter of this difference might be investigated and determined by the Collector, and the Collector should be empowered to direct the putwari and the mutasaddi, or whichever of them that might have declined to join in the signing of the papers, to sign them and file in the usual way.

C. E. G.—Reg. No. 18 68C—100—31-1-85.

No. 3961, dated Durbhunga, the 21st June 1880.

From—MAJOR R. C. MONEY, Manager, Raj Durbhunga,
To—The Secretary to the Government of Bengal, Revenue Department.

I HAVE the honour to enclose copy of a letter I have lately addressed to the Commissioner of Patna, on the subject of the present anomalous position of the patwaris in this estate—a position which is causing much loss to the Maharajah, owing to our collections being brought almost to a stand still through these men being taken from their villages to write up forms for the Collectorate.

2. It is not in this estate alone that the present great inconvenience is suffered; it is general; and my reason for forwarding a copy of my letter to you direct, is that I hear the Behar Landholders' Association is about to memorialise the Bengal Government on the subject, and it is desirable that the Maharajah's views should be more fully before the Lieutenant-Governor when the memorial is presented than they are therein expressed.

3. To show the nature of the work on which these patwaris are employed, to the neglect of what are, I believe, their more legitimate, and to the zemindar who pay them, their more important duties, I append copy of a memorandum on the subject by Mr. Finucane, C.S., Raj Settlement Officer.

No. 3653, dated Durbhunga, the 6th June 1880.

From—MAJOR R. C. MONEY, Manager, Raj Durbhunga,
To—The Commissioner of the Patna Division.

THE present relation between proprietors in Tirhoot and patwaris is so anomalous, and has such detrimental effect on zemindari working, that, as Manager for the Maharajah of Durbhunga of the largest estate in Tirhoot, I desire to bring it to the notice of the Bengal Government through you, in hopes that some steps may be taken by that Government in the proprietors' interests.

2. The patwari is at present, and has for long been, the backbone of the zemindari system in these parts. He it is in each village who keeps the ryots' accounts and gives them their receipts. He it is who, in the zemindari mofussil offices, writes up the *sisah* books, makes out the hustboods, jumma-wassilbakees, and jummabundees. In fact he is the zemindar's most important servant, and without him zemindari work, as at present carried on, comes to a stand-still.

3. In starting the new system of collections in this estate in 1876, when I was Officiating Manager, one of the chief objects in view was emancipating the zemindar and ryot from the thraldom of the patwari. To some extent this object has been attained, but not nearly as completely as I hope it now will be with a fuller development of that system. And to this day sub-managers of circles are so dependent on patwaris that their absence to attend on the Collector, or the Government official, brings our collection work to a stand-still.

4. During your recent visit at this place, I showed you many letters from sub-managers describing the difficulties they were experiencing at the time owing to absence of patwaris. I need not therefore trouble you now with many extracts from those officers' letters. I will, however, for the information of Government, quote one or two, in order that the object of my present letter may be more apparent.

5. One sub-manager writes:

"Two peons, with warrants of arrest, have come from the Magistrate to get hold of patwaris who have not submitted their jummabundees for 1284F. in the Collectorate, and a panic has struck among all the patwaris. No sooner they heard of the peons, those attending this office ran away and concealed themselves wherever they liked. One of Soojorlia only was arrested. Previous to this some patwaris were all arrested, and they are all attending the Collector's Court in Durbhunga. We had only a few patwaris present in our office; but there is not a single man to-day, and this interferes much with our collections and submission of papers again.

"As the patwaris have run away, much inconvenience is felt for want of them, particularly for purpose of collections; for, unless the patwaris are in the villages, the receipt of ryots cannot be granted, and the jyet ryots are strictly prohibited to collect any money without tender of receipt."

6. This is not the complaint of one sub-manager only; it is the burden of every weekly diary I get from each circle, and it is most seriously affecting our current collections and delaying our settlement work.

7. This, however, is not the worst feature in the present working of the patwari system. From the nature of his duties, the patwari has till lately been considered (at least by the proprietor) and treated as a zemindari servant. He is nominated by the zemindar, paid by the zemindar, and constantly occupied in the zemindar's most important work. It is therefore all important that he should be under the zemindar's control, and liable to be punished by him, and so he was till lately. When under a stricter view of the Board's Patwari rule, and more rigid enactment of those rules, he has come to be looked on purely a Government servant over whom the zemindar has no control whatever.

8. Your predecessor, Mr. Halliday, in his letter No. 35R of 15th April 1880, to the Collector of Mozufferpore, lays down that "no zemindar is competent to punish a patwari—a power which the law vests in the Collector." And the Sub-Divisional Officer of Madhubunee, in his judgment in a criminal case on the 3rd ultimo, recorded—"Patwari is a recognized Government official."

9. Thus it will be seen that, although the patwari is undoubtedly a zemindari servant, and one without whom the zemindar's work cannot at present go on, and although he is appointed or nominated and paid by the zemindar alone, he is also held by the Government officials to be a recognized Government servant whom the zemindar is incompetent to punish

10. The patwari has therefore at present two masters—one who pays him, and to whom his work is all important; one who does not pay him, and to whom his legitimate work is really of very little value. The one to whom his work is all important is held to have no control over him; the other to whom his legitimate work is of little value can not only legally punish him, but (as Government) is a master beside whom his zemindari master is nowhere. The result is that the patwaris all over the estate, and I believe generally in Tirhoot, are beginning to hold their zemindari master in no fear, and to neglect his work wilfully, and the proprietors accordingly suffer.

11. It may possibly be urged that the proprietor can report the patwari to the Collector, who will punish him. But he can only report him for dismissal, which is not the punishment at all times needed, and then the process is long and tedious, of the nature of a little case, and it will easily be understood how ineffectual a remedy such a process is for the control of the hundreds of patwaris in a large estate like this.

12. It becomes then very evident that if the control of patwaris is to be vested in the Collector's hands alone, and the zemindar is to have no power over them, it is absolutely necessary for the zemindar to cease employing the patwaris for his work, and to appoint some other agency. And although the Maharajah of Durbhunga now pays yearly Rs. 28,836 to patwaris, it will be greatly to his interest to sacrifice this annual sum and to work with a new agency which he can effectively control.

13. I cannot, however, suppose that Government would contemplate the Maharajah being compelled to do this, and his having to pay so large a sum annually for no equivalent gain.

14. Having carefully looked into this subject, it seems to me that the present Tirhoot official view of the Collector's relative position to the patwari is not warranted by law, and that it was never contemplated in early or later legislation on the subject, and I would ask especially attention to this.

15. The patwari or village account ant seems in earliest days to have been looked on as a village servant paid by the village community. There were in those days no zemindars, and the patwari, in the matter of rawenue questions, was apparently the go-between of the ryot and the ruling power. As time went on, and zemindars sprung up, the patwari seems to have become the village agent between them and the ryots, and to have been looked on partly as the zemindar's servant, partly as the ryot's, and to have been paid by both. At this period the patwari, while drawing a regular stipend from the zemindar, collected cesses, rent or *hisabana*, dowat, poojate, &c., from the ryots, and it is only very lately that such cesses have been held to be illegal, and the patwari in this estate expected to live on the pay given to him by the zemindar. He now gets nothing legally from the ryot.

16. I may here notice that it is a well known fact that, prior to the introduction of the system under which we now manage the Maharajah's estates, sums varying from Rs. 100 to Rs. 400 or more were gladly paid to the Raj amlah to secure patwari's appointments. Luckily those days are past, and it is not now easy at all times to get people to come forward and accept such appointments. I do not mean to imply that patwaris at present take or get nothing in the villages. Though the exactions of cesses has been stopped, and ryots begin to understand their rights, the patwaris do undoubtedly augment their pay in illicit ways—the result of their being an underpaid class - as I will note hereafter.

17. The patwari was in 1793 a zemindari village servant, appointed, dismissed, and paid by the zemindar, and Government at this period exercised no special control over him.

18. In 1793, after the decennial settlements had been made permanent, it was considered advisable, with the object of guarding against any diminution of the fixed revenue of Government, "to enable the Collectors to procure the necessary information and accounts for allotting the public jumma upon estates that may be divided," &c.; and the patwari being the village accountant, certain enactments were passed in section 62 of Regulation VIII of 1793, to give the Collector power over these patwaris in order only that he might be able to call for and see their accounts.

Regulation VIII of 1793, section 62, clause 1.

19. A careful perusal of the section 62 will show that the zemindar or proprietor's power over his patwari is nowhere in this section abrogated or restricted. The possibility of proprietors objecting to these arrangements was taken into consideration in the first clause of this section—a possibility which would not have been worthy of notice, except on the supposition that, as master of the patwari, the proprietor had some right to object.

20. It will also be seen that the power given to the Collector in Regulation VIII of 1793 was very slight indeed. All he could do was to call on the patwari to produce his accounts, and that *not on all occasions*, but under special circumstances only, and he was not empowered to enforce obedience to his order personally. He would duly report failure of the

patwari to attend on him to the zillah court of Dewany Adawlut, which, if it deemed it necessary, could commit the patwari to prison until he produced his accounts.

21. The proprietor was also protected under this Regulation from unnecessary interference on the part of the Collector by calling from patwaris (and personally interfering thereby with the zemindari work) otherwise than for the special reason specified in this Regulation, and the proprietor could in such cases complain against the Collector to the zillah Dewany Adawlut, the Judge of which court could prohibit the Collector from thus calling on the patwari, and order him to pay a fine to the proprietor if he persisted in doing so.

22. It may therefore, I think, be fairly taken for granted that Regulation VIII of 1793 in no way restricted the proprietor's power over his servant, the patwari; nor did it empower the Collector to do more than call for and inspect the patwari's accounts in the following case:—

1.—Disposal by public sale of the whole or part of an estate.
2.—Transfer of an estate by private act of proprietor.
3.—Division of an estate pursuant to an order of Court of Judicature, or in consequence of request of a proprietor. With these exceptions, it leaves the patwari at he was before, the zemindar's village accountant, paid for and appointed by him.

23. Under the Regulation the Collector had no voice at all in the appointment of a patwari.

24. In 1817 it was found necessary to enact other rules regarding patwaris, owing to the "working under Regulation VIII of 1793 having been found to be defective, and delays being caused thereby in adjustment of revenue to be assessed on sharers of estates, &c." Regulation XII of 1817 therefore came into force, and section 62, Regulation VIII of 1793 was repealed.

25. Regulation XII gave full powers to the Collector over patwaris, and partially restricted the power the proprietor had hitherto exercised, its object, however, being only to ensure a more certain and speedy production of the village accounts when the Collector could legally call for them.

26. The appointment of the patwari still remained with the proprietor; but the Collector could object to his nomination, and if he did so, was to report his objection to the Board of Revenue or Commissioner. A patwari was no longer to be removed from office by the proprietor without the Collector's authority; but while the Collector could thus sanction a dismissal made by the proprietor, he could not of his own motion dismiss a patwari without sanction of the Board of Revenue or of the Commissioner.

27. The patwari's duties were now defined (*vide* section 16), and divided into three heads:—

1*stly*.—To keep such registers and accounts relating to the village as the Board of Revenue may order;
2*ndly*.—To prepare every six months, and deliver to the canoongo, a copy of his accounts. Here we have no canoongo; and
3*rdly*.—To perform *all other duties and services which it has been customary for him to execute*.

28. The meaning of this last clause can only be that the Government in those days did not intend in any way to interfere with the patwaris' regular duty to their actual master, the proprietor, and that, these enactments notwithstanding, they were to do their duty to him, and to the ryots in their villages, as they had done heretofore.

29. Under this Act the Collector is given a wider discretion in sending for patwaris, and he is now authorized to punish their disobedience by himself ordering their imprisonment. Similar power is also now vested in civil courts which may need to see patwaris' accounts.

30. There is, however, nothing to show that Government in this Act in any way contemplated freeing the patwari from obedience to the zemindar or proprietor. On the contrary, clause 3 of section 16 above recorded seems specially framed with the opposite intention.

31. This Regulation (No. XII of 1817) is still in force, and is the last enactment on the subject. We have subsequently Board's rules for the guidance of Collectors, and under the latest set of these rules Collectors now work.

32. These rules, styled "Rules regarding Canoongoes and Patwaris," do not avowedly abrogate the zemindar's power over his servant the patwari; but virtually they do so, as they tend to subordinate the patwari more than ever to the Collector, and to enable that officer to make so many demands on him, that it is impossible he can look after the zemindar's interest if he is to do all the Collector may require of him.

33. Under these rules, if the proprietor fail to do so, the Collector may himself appoint a patwari, and all patwaris are to receive sunnuds of their appointments from Collectors, and to all intents and purposes, except in the matter of their pay, they become Government servants.

34. It is specially worthy of note that these rules do not, however, avowedly nullify the enactments of Regulation XII of 1817, section 16, clause 3, as to the patwari's duty being to perform all other duties and services he has hitherto performed; and we may take it for granted that, although recent rules and the working of those rules has practically taken all power over the patwari out of the zemindar's hands and made him a Collector's servant, he is

still legally bound to do the zemindar's village work, and it is at present essential to the well-being of an estate in Tirhoot that he should be made to do so.

35. This brings us back to the present anomalous position of the patwari with which started.

36. It is all important to the Maharajah's and his ryots' interest that Government clearly define the patwari's position with reference to the zemindar, and his control over him; or, if he is to be considered a Government servant, over whom we have no controlling power beyond asking the Collector to dismiss him, we must, hard as it would be, sacrifice the Rs. 28,836 annually, and appoint a proper agent to do our village work.

37. I am unable to speak of this subject from the Collector's point of view, who has to deal with patwaris. But I can, from my long experience as a Deputy Commissioner, speak of it from the Collector's point of view, who has had no patwaris in his district. There are no patwaris in those districts in Bengal in which I have worked, and I never felt the want of this: in fact, from what I see here, I think those Collectors are to be congratulated who have not this body to control and look after, and it appears to me to be very questionable whether Government really derives any benefit from their services.

38. The subject is too long for me to detail all the difficulties and complications arising out of the present anomalous state of affairs; and doubtless your own experience, and that of the other Government officers who may have to peruse this letter, will render such details unnecessary. I would, however, allude to one little difficulty of no uncommon occurrence in this estate.

39. The patwari's village influence is immense—greater than ever—now he is a recognized Government official. Ryots are told by us not to pay their rent to him; but to the jyet ryots. This notwithstanding, the patwaris will at times collect rents, and the ryots will pay them to them. A patwari collects Rs. 100 from certain ryots, but does not credit it to the zemindar. This Rs. 100 is demanded from the ryots by the sub-manager, and they answer, and rightly, that they have paid in to the patwari, who, however, has given them no receipt, and they refuse to pay again. Is the zemindar in this case bound by the act of a man over whom he has no control at all? Who is to be the loser—the ryot or the zemindar? It is very evident that the patwari will not be so, as the zemindar, having no control over him, can only go through the lengthened and doubtful course of prosecuting him—a course not advisable, as, however true such cases may be, they are extremely hard to prove. Had the zemindar that control, which it is essential he should have over his village agent, he could deduct the amount from his pay, realize it from his security, or otherwise insist on its being refunded.

40. These plans suggest themselves to me as the most simple way of ending the difficulties which the Maharajah of Durbhunga in common with the other zemindars of Tirhoot now suffer from—

1st.—Let Government uphold what is, I believe, the real spirit of all legislative enactments regarding patwaris, as adapted to modern circumstances, and declare definitely that the patwari is the zemindar's paid servant, and that as such he has the same controlling power over him as he has over any of his other servants. Let the Collector's power over the patwari be also defined to be in no way opposed to the zemindar, but merely to make him at fixed and stated periods, and stated reasons only, to call on him to show his accounts, and let the Collector have no power at all in either appointment or dismissal of the patwari; or

2ndly.—Let Government declare definitely that the patwari is a Government servant pure and simple, and that the zemindar has no power at all over him, though for State reasons called on to provide his pay, and let the nomination of patwaris by the zemindar cease; or

3rdly.—And perhaps best of all, let Government drop patwaris altogether and leave zemindars to make their own arrangements. Patwaris do not exist as Government servants in many parts of Bengal and their want is not felt in those parts, and there is, I believe, nothing special in the relation between ryots, zemindars, and Government in Tirhoot, which calls for their existence as Government servants here.

41. Should Government adopt either the first or third of these plans, or in any way admit, as I hope they will, that the patwari is a zemindari servant and can be controlled and punished by his master, it will be necessary, both in the zemindars' and ryots' interests, that the patwaris generally get far better pay than they now do. Many of them, indeed—I may say the majority of them—are now in receipt of such small salaries as Rs 2 or Rs. 3 per mensem, that they cannot possibly live honestly on their way. Nothing, however, can be done to remedy this until we know whether the zemindar will be obliged to appoint some agency other than the patwaris to do his work in his village.

42. The following copy of a memorandum I have just received from Mr. Finucane, C.S., Raj Settlement Officer, will show the nature of the work on which the patwaris in this estate are at present employed; work which, while it causes them to neglect their zemindari duties and thereby to cause collections to fall greatly into arrear, cannot but be held to be useless, as these men are practically making under Government sanction a record of rights according to their own will and pleasure, and without any reference to those who are most vitally concerned, if such record is ever to be given any value.

43. "Having had lately frequent complaints from Assistant Settlement Officers that their work is stopped or retarded because of the absence of patwaris who have been for some time writing out certain papers in the Collectorate in the forms prescribed by the Board of Revenue, I yesterday sent for some of the Allapore patwaris and enquired what they have been doing. They showed me the form which they have been asked to fill in. I find that they are supposed to give the boundaries and areas of each individual field in each ryot's possession, the rate of rent, amount realized in the past year, and amount still due. They also have to state whether the ryot, who has the right to hold at fixed rates, is an occupancy ryot or a tenant-at-will. Now, in the settlement of Allapore, I was prohibited by order of Government from enquiring whether the ryots were tenants-at-will, occupancy ryots, or ryots holding at fixed rates. No record of rights of this kind was made. The patwaris have nothing to show under what class each ryot comes; yet I find they are evolving the information out of their own inner consciousness, and are gravely writing down certain ryots as occupancy ryots, others as tenants-at-will, and others again as lakhirajdars. The papers which they are filing are not in any way tested by either zemindar or ryot, and are therefore valueless as evidence. They are worse than valueless for any other purpose, as they are absolutely without foundations in fact."

44. In conclusion, I would express the hope that you will take the earliest opportunity of bringing my letter to the notice of the Bengal Government, as it is very desirable in the interest of all parties that this matter be speedily decided.

E D'S —Reg. No 109310—100—16 12 84

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No. 712A, dated Fort William, the 21st October 1880.

From—H. J. S. Cotton, Esq., Offg. Secretary to the Board of Revenue, L.P.,
To—The Secretary to the Government of Bengal, Revenue Department.

Mr. Reynolds.

No. 9769—1125, dated 30th December 1879.
9640—1154, „ 25th August 1880.

With reference to the orders of Government noted in the margin, I am directed to submit the following report on the working of the putwaree system in the province of Behar. It must, however, be understood that the remarks which will be offered refer only to the districts of the Patna division, and to the district of Monghyr in the Bhagulpore division. No systematic attempt to re-organize the putwaree establishments has as yet been made in the districts of Bhagulpore and Purneah.

2. The history of the putwaree question, down to the year 1873, is summarized in the 15th chapter of Mr. McNeile's Memorandum on the Land Revenue Administration. The concluding paragraph of that chapter expresses Mr. Schalch's opinion that the Collectors in Behar derive valuable assistance from the services of the putwarees, and that it is desirable that the putwaree establishments should be retained, and should be utilized for the performance of miscellaneous revenue duties, including the collection of statistics. Mr. Schalch was apparently satisfied that the wording of section 4, Regulation I of 1819, which permits the Board of Revenue "to make such alterations in the duties to be performed by canoongoes as local circumstances shall suggest," was sufficiently wide to justify the employment of putwarees on those miscellaneous duties, though they might not be services which (in the language of section 16, Regulation XII of 1817) it had been customary for the putwaree to execute.

3. The policy which Sir George Campbell desired to pursue in dealing with the question of the putwaree system in Behar was explained in some detail in the Government letter No. 2525, dated the 20th September 1873. It was Sir George Campbell's wish that the scheme prescribed by the Regulations should be adhered to as closely as possible, and that, in any rules which might be drawn up, the language of the Regulations should, as far as practicable, be retained. It was remarked that the canoongoes contemplated by the law had already been provided by the formation of the new sub-divisional establishments. It was thought desirable that each putwaree should be attached to a village or a circle of villages rather than to an estate. With regard to remuneration, the Collector was to ascertain the custom of the neighbourhood, and, if necessary, he was to modify or formulate the local practice. The Monghyr rate of 6 pie per rupee of rent appeared to the Lieutenant-Governor to be fair. It was not desired that existing putwarees should be disturbed, but whenever putwaree circles were re-distributed or vacancies occurred, the opportunity should be taken to arrange so that each putwaree should have a village or cluster of villages paying from Rs. 2,500 to Rs. 4,000 gross rental; the wages of a putwaree for such a circle being from Rs. 75 to Rs. 120 a year. The Lieutenant-Governor was inclined to lay much stress on the regular filing of the putwarees' papers in the sub-divisional office.

4. The scheme drawn up by the Board in accordance with these instructions was reported to Government in my predecessor's letter No. 610A, dated the 26th October 1875, and was approved by Sir Richard Temple, who recorded a Minute in which he referred to the usefulness of the putwarees in Behar, and desired that the work of re-organization should be commenced in as many districts of the province as possible. Subsequently, a series of rules for the guidance of putwarees was prescribed by the Board, and registers were directed to be kept, which were to be annually filed by the putwarees, on the 1st of Assin, in the sub-divisional office. These registers were three in number, viz.—

(1.)—Register of annual accounts of the village.
(2.)—Register of mutations of proprietors, lakhirajdars, and ryots.
(3.)—Register of pottahs granted in the village.

These rules and forms of registers were reported to Government, and approved, after having been for some time in experimental use.

5. It seems thus far to have been assumed that the putwaree system in Behar had retained a vitality which called for nothing more than some measures of reform and re-organization in order to make the village accounts a source of valuable information to the revenue authorities, and to restore the putwarees to the status which the Regulation of 1817 intended them to hold. But a letter addressed to the Board by the Commissioner of Patna in November 1876 showed that the system had not so much to be reformed as to be reconstituted, and the Board's Land Revenue report for 1877-78 only ventured to say that it was an open question whether the putwaree might not be made a valuable institution in Behar. In the report for the subsequent year (1878-79) it was remarked that the re-organization of the system had made considerable progress, but that difficulty had been experienced in getting the owners and lessees of fractional shares of estates to accept the recognized putwaree of the village instead of maintaining separate agents of their own. In the Resolution upon this report, the Lieutenant-Governor asked for fuller information as to the progress made in each district of the Patna Division.

6. This information is given in Mr. Halliday's letter, No. 248R, dated the 4th May 1880, of which a copy is herewith appended for the consideration of Government. It will be

seen that in the two districts of Chumparun and Patna the work of appointing putwarees has practically been completed, and that of the other districts Shahabad is the only one in which this part of the operations is considerably in arrear. But this is really all that has been done. The Commissioner's letter makes it clear that, in a large proportion of cases, the registered putwaree has no means of obtaining complete or accurate information; that it is extremely difficult to get him to file his papers; that no systematic attempt to test the correctness of his papers has been made, and that such accounts as are filed are merely an useless encumbrance to the record-rooms. The Commissioner is of opinion that the rule which requires putwarees to furnish their accounts should be withdrawn, and that Regulation XII of 1817 should be repealed and re-enacted in a form more applicable to the circumstances of the present day.

7. The reference made in this letter to the multifarious duties which putwarees are called upon to perform, and the expression of the Commissioner's doubt whether the letter or the spirit of the Regulation of 1817 authorized the employment of putwarees forsuch purposes, led Mr. Dampier to call for a further report which was furnished in the present Officiating Commissioner's No. 1113R, of the 7th September 1880, of which a copy is annexed to the present letter. Mr. Edgar agrees with Mr. Halliday in considering it unnecessary, and even unsafe, to require the putwarees to furnish copies of their accounts, though he thinks it desirable that the accounts should still be kept for production before the Collector if he should find occasion to call for them.

8. In the Bhagulpore Division, the Commissioner reports that the registration of all putwarees in the district of Monghyr has been completed, that a considerable number of papers have been filed, and that a few of them have been tested with satisfactory results. It appears, however, that the papers have been filed after long delay, most of them being for the year 1285F, and that even this measure of success has not been attained without the adoption of stringent coercive proceedings, some of the refractory putwarees having been imprisoned, and fines having been imposed on a number of defaulting zemindars. The Commissioner represents the necessity for strengthening the office establishments of moburrirs and peons, and he says that unless this can be done, and unless the law can be amended so as to enable the Collector to enforce prompt obedience to his orders, it would be better to abandon the scheme, and not to insist upon the filing of the accounts. Mr. Barlow's letter does not notice the difficulty which has been suggested in the Patna Division regarding the employment of putwarees upon duties not contemplated by the Regulation: and it would seem that in Monghyr the putwarees have not been called upon to do anything more than keep up the prescribed registers and file them in the Collector's Office.

9. On a review of the correspondence, the Board can only come to the conclusion that the experiment, considered as a scheme for the revival of the old system of village accounts, has thus far been entirely unsuccessful. It is an attempt to resuscitate a practically obsolete institution by the application of a law which is in many respects unsuited to the altered circumstances of the time. The immediate superior of the putwaree is the canoongo, and the practical value of the putwaree's work largely depends on the efficiency of the canoongo's supervision: but the sub-divisional canoongo of the present day resembles the pergunnah canoongo of the Regulations in little but the name. The several laws which refer to putwarees imply a condition of agricultural tenancy which has now passed away for ever. They assume that a village is ordinarily in the hands of a single zemindar collecting directly from the ryots; or (in cases in which the zemindar may have refused to engage) of a single farmer paying revenue directly to Government. Even where more zemindars than one are referred to as proprietors, they are to be understood as co-sharers in the same estate, and not as owners of separate mehals.

10. It is easy to see that under such circumstances the putwaree might really occupy the position of the village accountant, and his papers might furnish valuable information to officers engaged in the decision of rent suits on the partition of estates. Under-tenures being few in number, and the proportion of cultivated land being comparatively small, the village register was probably a brief and simple document, and the local knowledge of the canoongo enabled him to detect any inaccuracies or omissions.

11. But the existing condition of things is altogether different. The zemindar of the present day, instead of being the owner of the entire village, is the proprietor of one out of a multitude of estates within the village boundary. The farmer of the present day, instead of holding under Government an estate for which the zemindar has declined to engage, is simply a ticcadar under the zemindar. The great mass of the ryots pay their rents to putnidars and other tenure-holders, and the zemindar has no direct concern with them. It is clearly shown that the putwaree, who is only the nominee of one, or a few, among a number of proprietors, has no means of preparing an accurate village account: that such accounts as he prepares are only filed under great pressure, and after an interval which makes their information of little or no value: that no machinery exists for testing the accuracy of these papers: and that the only result of compelling their production is to cumber the record-rooms with a mass of untrustworthy documents, which acquire a delusive stamp of authority from their semi-official character. If the putwaree is of any use at all to the revenue authorities, it is not in the exercise of his functions as the village accountant, but in the performance of the other customary duties and services referred to in clause 3, section 16 of Regulation XII of 1817.

12. The question has thus far been considered from the point of view in which the putwaree is regarded as a Government servant charged with the performance of certain

public duties. But it must be remembered that the putwaree is nominated and paid by the zemindar: and the double position which he thus occupies, as a Government official and as a private servant, should not be lost sight of. The Behar Rent Committee say in the 4th paragraph of their report—" We are of opinion that the putwaree should be made either a *bonâ fide* public servant paid by the State—a village record-keeper and nothing more: or that he should be made entirely a zemindary servant, liable to dismissal at the pleasure of his master the landholder. The present system, under which the putwaree is nominally a public servant, but is in reality the zemindar's paid servant, we are unanimous in condemning." The bearing of the question upon the interests of the zemindar is fully and ably discussed in the communication from the Manager of the Durbhunga Raj, which was forwarded to the Board under the Government orders referred to in the 1st paragraph of this letter.

13. Speaking as the representative of the most influential zemindar in Behar, Major Money is of opinion that the recent orders on the subject of putwarees contravene both the spirit and the letter of the existing Regulations, and that they have been enforced in a manner which entails great practical inconvenience on the landholders. It is assumed that the customary services mentioned in Regulation XII of 1817 are services due to the zemindar. It is made a matter of complaint that the patwarees' registers are so drawn up as to form an unauthorized and inaccurate record of rights. It is represented that the putwarees are continually called off from what are described as their primary and legitimate duties to attend the Collector or his subordinates, or to carry out the orders of the authorities. It is put forward as a hardship that the Maharajah pays no less than Rs. 28,830 a year for the maintenance of putwarees, but that he is unable to command their undivided service, and that he is not allowed to punish or dismiss them without the concurrence of the Collector.

14. The present report is not the proper place to discuss the nature and extent of the proprietary rights which were conferred upon the zemindars by the permanent settlement. It will be sufficient to say that while the settlement undoubtedly granted them great privileges, the conditions of it entailed upon them considerable duties and responsibilities: and that the landholders have too often shown a tendency to assert and enlarge the privileges, and to disclaim and minimize the duties. An illustration of this is afforded by the history of the putwaree question. The maintenance of putwarees as public officers was prescribed by Regulation VIII of 1793, but the duty seems from the first to have been evaded, and Regulation VII of 1799 (an enactment which Major Money has not noticed) called upon Collectors to ascertain whether putwarees had been universally appointed, and to appoint them where they were wanting. This power of appointment given to the Collectors is entirely inconsistent with the theory that the putwaree in those days was a mere servant of the zemindar. Even this enactment was found insufficient, and Regulation XII of 1817 was passed with the express object of supplying the deficiencies of the former laws This Regulation distinctly defined the position of the putwaree as a Government official. He was to be nominated by the zemindar, but his appointment and dismissal rested with the Collector and the Board. His duties were not restricted, as they had been under the Regulation of 1793, to matters connected with rent suits and partitions, but it was declared in the widest terms that he was to keep such registers relating to the village as the Board of Revenue might prescribe, and that he was also to perform such other duties and services as it had been customary for him to execute.

15. The Board have not the least doubt that Major Money's interpretation of these last words is altogether mistaken, and that the clause refers, like the rest of the Regulation, to public duties, and not to services to be rendered to the zemindar. It appears, indeed, to have been a principal object of the Regulation to make the putwaree independent of the zemindar and to give the Collector the first claim upon his services. The maintenance of such an officer in each village of his estates is one of the obligations which the law imposes upon a proprietor of land: and though the amount paid to putwarees in the Durbhunga Raj may appear large, it is after all not much more than one 1 per cent. upon the Maharajah's rent-roll. The recent orders which have been issued have been framed (with possibly one or two unimportant exceptions) in strict conformity with the provisions of the law, and if the putwarees have made incorrect entries in their returns, the zemindar is to blame for not supplying them with accurate information.

16. At the same time, though the Board are fully prepared to defend the general legality of the orders which have been passed for re-organizing the putwaree system in Behar, they do not desire to recommend that the rules should be maintained in their present form. Sufficient experience has been gained to show that no good results can be expected from insisting upon the putwaree's accounts being filed in the Collector's Office: and the Board would accordingly withdraw this part of the orders, and would also cancel the rule which prescribes the forms of registers which the putwarees are to keep. This would practically remove much of the grievance now complained of by the zemindars. In the absence of fresh legislation, the functions of the putwarees would then be confined to the performance of the customary duties referred to in section 16 of Regulation XII of 1817.

17. Whether fresh legislation should be attempted is a question of considerable difficulty. Mr. Dampier was apparently inclined to recommend that the Regulation of 1817 should be repealed and re-enacted in a form which should leave the sections relating to the appointment of the putwaree unaltered, but should modify those relating to his duties. This procedure would no doubt remove some existing anomalies: and if the Government is willing

to affirm the principle that putwarees are public officers who may be employed on such duties connected with the village as the Collector thinks fit to assign to them, the revision of the law would be attended with much advantage. The opportunity would also be taken to empower the Collector to deal with the question of the putwaree's remuneration more effectually than he can do under the wording of the existing law. It is probable, however, that a legislative measure of this kind would meet with strong opposition, and it will perhaps be thought that the present is not an opportune time to initiate legislation which might place the Government in a position of antagonism to the landholding classes. On the whole, Mr. Reynolds is of opinion that the law as it stands is sufficient to enable the Collector to obtain much useful service from the putwarees: and he would deprecate any attempt to remodel the law until further experience shall show the revision of it to be not only desirable, but necessary.

18. If it be determined to leave the Regulation of 1817 untouched, it seems proper to examine more fully the particular duties now performed by the putwarees, as reported by the Officiating Commissioner of the Patna Division, and to consider how far they are covered by the wording of the law. It affords a curious commentary on the remonstrance made by the Manager of the Durbhunga Raj when it is seen that several of the district officers express a doubt whether the putwaree can legally undertake the duty of collecting rents for the zemindar. The view taken by these officers is no doubt a mistaken one: the Regulation has no concern whatever with the private services rendered by the putwaree, and those services may be of any kind, so long as they are subordinated to his official duties.

19. Taking the districts of the division in the order in which they are noticed in the Commissioner's letter, the Board would remark as follows:—

(a) In Patna it should be pointed out to the Collector that the services numbered (4) and (5) in the list cannot legally be demanded from a putwaree.

(b) In Gya there appears to be no objection to any of the duties now performed. The putwaree, as such, cannot be required to undertake the registration of births and deaths.

(c) In Shahabad the putwarees are largely employed in the work of canal assessments, and for this they get a special allowance of two per cent. on the water rate. It should be pointed out to the Collector that there is no objection to his employing putwarees with their own consent upon this duty, but that a putwaree, as such, cannot be compelled to undertake it. With regard to the duties under the Chowkidaree Act, it would not, the Board think, be proper to make the putwaree *ex-officio* a member of the punchayet, but any individual putwaree may be appointed on a punchayet, and may, as such member, perform any duties which the law authorizes a member of a punchayet to undertake.

(d) In Tirhoot the same remarks, as regards the Chowkidaree Act, apply as in Shahabad. The district officer should be told that the putwaree, as such, cannot be required to act as a census officer, or to keep mortuary returns. As the putwaree is undoubtedly a local agent of the zemindar, there appears no objection to his giving the police information of unnatural deaths.

(e) In Chumparun no remarks appear to be called for.

(f) In Sarun many of the services enumerated are private services rendered to the zemindar, and it is unnecessary to consider whether they come within the scope of the Regulation or not. The remaining services all appear unobjectionable.

The general principle which the Board would lay down is that such services as are undoubtedly covered by the Regulation may be required from the putwaree in virtue of his office. With regard to other public duties, the fact that Opusto Dass is the village putwaree is no bar to his being appointed a census officer or a member of the chowkidaree punchayet, but service in such capacities cannot be demanded from him as putwaree. The employment of putwarees under the Irrigation Department will be found to present no practical difficulty, as a special remuneration is attached to the duty.

20. The duties in which the agency of the putwaree appears to the Board to be specially valuable are the granting of rent receipts, and attendance at the valuation or division of the crop where the *bhowlee* system prevails. Considering the ignorance and helplessness of the mass of the Behar peasantry, the Board would be inclined to attach very great importance to the performance of these duties by an official who is presumably one of the most respectable inhabitants of the village, and who is, in some measure at least, independent of the zemindar. It would, in the Board's opinion, be greatly to be regretted if the trouble which has been taken to effect the partial re-organization of the putwaree system in Behar should now be thrown away by the final abandonment of the scheme. The usefulness of the putwaree, even under the drawbacks of the present imperfect arrangements, is universally acknowledged by the local officers: and appeals which come before the Board sufficiently indicate that the appointment is keenly sought by respectable persons. It may be true, as Major Money remarks, that many of the putwarees are underpaid: but when it has once been determined that the system shall be permanently continued, it will not be difficult to apply a remedy to this evil.

21. It must, however, be clearly understood that nothing less than the abandonment of the scheme is involved in the acceptance of either of the alternatives propounded by the

Behar Rent Committee, or of any of the three plans suggested by the Manager of the Durbhunga Raj. The duties discharged by the putwaree cannot be fulfilled by a functionary who is merely an officer of Government, or by one who is merely an agent of the zemindar. The authors of the Regulations saw clearly the value of a link of this kind between officials and landholders, and they wisely determined that the putwaree should be nominated by the zemindar, but appointed by the Collector. The importance which they attached to the compilation of the village accounts has been much diminished by the altered conditions of land tenure, but their view of the proper status of the putwaree is as true in 1880 as it was in 1817.

22. With these remarks the Board would ask to be favoured with an intimation of the policy which Government desires to pursue in dealing with this question. The opinion of the Board is sufficiently indicated in the foregoing paragraphs. They believe that the putwaree is already a very useful institution in Behar, and that he will become more useful still as the working of the system is consolidated and improved. It would be their wish to maintain the existing practice with regard to the appointment and registration of putwarees, and to extend it to the districts of Purneah and Bhagulpore, into which it has not yet been introduced. They would so far modify the present orders as to dispense with the rule which requires copies of the village accounts to be filed in the Collector's office: but they would insist upon the performance by the putwarees of those customary duties which the Regulation permits the revenue authorities to require.

No. 1113R, dated Bankipore, the 7th September 1880.

From—J. Ware Edgar, Esq., c.s.i., Officiating Commissioner of the Patna Division,
To—The Secretary to the Board of Revenue, L.P.

I have the honour to acknowledge the receipt of your No. 524A, dated 31st May last, calling for an exhaustive list of the duties which putwarees are now required to perform in the different districts of this division in addition to the main duty of keeping up the village rent accounts, and also asking for an expression of opinion on the following points:—

(1)—Which of the duties of the putwarees can be legally demanded as customary under clause 3, section 16, Regulation XII of 1817, and which cannot.

(2)—What duties should be demanded from putwarees in the event of the old law being repealed.

2. The duties of putwarees as defined in section 16, Regulation XII of 1817, are—

1*stly*.—To keep registers and village accounts.
2*ndly*.—To prepare and deliver to the Collector a copy of these accounts, showing distinctly the produce of the khariff and rubbi crops.
3*rdly*.—To perform all other duties and services which it has been customary for a putwaree to perform.

3. The duties which the putwarees in the different districts have to perform under the last clause are enumerated below.

4. *Patna*.—In Patna the putwarees have—

(1)—To measure annually the holdings of ryots.
(2)—To give receipts for payment of rents.
(3)—To make an estimate of the produce of lands held bhowlee.
(4)—To attend on public officers when engaged in local enquiries.
(5)—To receive processes or orders issued by public officers to zemindars.
(6)—To collect rents when there is no gomashta for the estate.

5. In the opinion of the Collector all these duties, except the last, come under the head of "customary duties." I, however, doubt if Nos. 4 and 5 can be legally demanded as customary under clause 3, section 16, referred to above. With regard to No. 6, I am inclined to think that it may be performed by the putwaree, provided it has been customary for him to do so.

6. *Gya*.—In Gya, where the bhowlee system extensively prevails, the putwarees are chiefly employed on *danabundee* and *augurbataie*. In effecting *danabundee*, the duty of the putwaree is to make an estimate of the crops and to settle the shares of the zemindars and ryots, while in the case of *augurbatas* the putwaree is to set watch over the crops which are stored at the harvest time till they are divided. The putwarees in Gya are also occasionally employed on collecting rents in conjunction with the jeyt or head ryots. They have to execute the petty works for the improvement of estates, locally called *gilundajee*, and they are required to supply Government officers with necessary information when a village is under settlement.

7. All these duties seem to come within the scope of clause 3, section 16, Regulation XII of 1817.

8. Mr. Barton suggests the employment of putwarees on the registration of births and deaths. But this does not seem to be the legitimate duty of a putwaree. The Magistrate may appoint suitable persons as registrars of births and deaths under the provisions of Act IV (B.C.) of 1873.

9. *Shahabad.*—In Shahabad the functions of a putwaree are purely those of an accountant. In addition to the duty of keeping the village accounts, he has to perform the following duties:—

(*a*)—To give receipts and farkhatees to ryots.
(*b*)—To copy the khuteanee of water-rate demands, and supply demand slips to each ryot.
(*c*)—To attend the amin who prepares the demand statement as representative of villagers, in order to see that their rates are correctly entered in the khuteanee, *&c.*
(*d*)—To give receipts for payments of chowkidaree cess.
(*e*)—To keep accounts of collections of chowkidaree cess.

10. Duties (*b*) and (*c*) have devolved on the putwaree owing to the operations of the Bengal Irrigation Act. Mr. Nolan thinks that these duties cannot be legally demanded from the putwaries. So far as (*c*) is concerned, Mr. Nolan is perhaps right in thinking that in strict law this service could not be demanded, but it really is analogous with duties which the putwarees can undoubtedly be legally called on to perform. As to (*b*), it forms, I think, a part of the putwaree's functions as the village accountant Duties (*d*) and (*e*) are performed by the putwaree as a member of the punchayet appointed under Act VI (B.C.) of 1870 (the Village Chowkidaree Act), and do not come within the scope of the Putwaree Act.

11. *Tirhoot*—In Mozufferpore and Durbhunga the putwarees have to perform the following duties—

(1)—To prepare measurement khusras.
(2)—To prepare kankuli khawas, or assessment of bhowlee crops.
(3)—To furnish local officers with statistical information about local rates in the neighbourhood when settlements or re-settlements of Government estates are made.
(4)—To give information as zemindars' agents of unnatural deaths (section 196, Criminal Procedure Code).
(5)—To act as a member of the punchayet appointed under Act VI (B.C.) of 1870.
(6)—To act as enumerators during census operations.
(7)—To keep the mortuary returns.
(8)—To give receipts to ryots.

12. In Mozufferpore the putwarees have generally to collect rents. The Collector writes:—"In the Durbhunga Raj the putwarees do not collect rent, but in nearly all the estates in the district the putwaree's chief work is as a rent collector." Mr. Worsley thinks that putwarees cannot be employed on this work He remarks—"Looking at the general tenor and wording of Regulation XII, I am of opinion that it was not intended that they should be so employed."

13. There is no doubt that the principal duty of the putwaree is to keep village accounts; but as he is also the zemindar's servant, he may, I think, be well employed by him on the collection of rents, if it has been customary to employ him on such work. The rest of the work, except Nos. 4, 5, 6, and 7, come within the purview of clause 3, section 16, Regulation XII.

14. *Chumparun.*—The duties performed by the putwarees in Chumparun are—

I.—Collection of rents.
II.—Giving receipts to ryots for rents paid.
III.—Making valuation of crops of bhowlee lands.
IV.—Measurement of lands settled with ryots.
V.—Giving information to the police of any occurrence.

All these appear to be the customary duties which a putwaree may be required to perform.

15. *Sarun.*—In Sarun the putwarees are required to perform the following duties—

(*a*)—Collecting rents.
(*b*)—Giving receipts for rent.
(*c*)—Giving pottahs.
(*d*)—Attendance at the civil courts on behalf of the zemindars in rent and similar suits.
(*e*)—Attendance in butwara proceedings.
(*f*)—Attendance on behalf of the zemindar in settlement proceedings.
(*g*)—The performance of all correspondence and accounts for the zemindar whenever required.
(*h*)—To be present at the *danabundee* or *batai* in villages where that system is in force.
(*i*)—To settle new lands for the maliks.
(*j*)—Acting as the zemindar's representative in all minor matters between him and the revenue authorities.

16. In the opinion of Mr. MacDonnell all these duties, except (*a*) and (*g*), are proper for the putwaree to perform. But if it has been customary for the putwarees to execute

these duties, I do not see any objection to their being so employed. It will be observed that in all the districts of this division, except Shahabad, the putwarees are more or less employed on collecting rents, a system which has evidently the force of custom, and which cannot therefore be questioned.

17. I now come to the second point, viz.—"What duties should be demanded from putwarees in the event of the old law being repealed."

18. I fear that I cannot at present give any satisfactory opinion on the point. The questions involved are complicated and difficult, and I must confess that I have not yet been able to work out any scheme at all likely to work. The experience that I have gained during the last two years and a half has rudely shaken my previous ideas on the subject of putwarees, and I have now very strong doubts about the desirableness or even safety of getting accounts from them. I cannot, therefore, recommend that any future legislation should provide for the filing of such accounts, but I should provide for their being kept by putwarees for their production before the Collector whenever called for by him.

19. The putwaree should also be required when called on to furnish statistical information regarding the holdings of the ryots; the produce of the several harvests, &c.; to attend officers of the Revenue Department, including any canal officers employed on the work of assessment for canal rates, when called on to do so by any general or special order of the Collector; to copy the measurement and demand papers made by officers of the Irrigation Department, and distribute them to the cultivators affected thereby; and generally to assist in carrying out any orders which the District Officer is authorized to give in his capacity as Collector.

No. 248R, dated Bankipore, the 4th May 1880.

From—F. M. Halliday, Esq., Commissioner of the Patna Division,

To—The Secretary to the Board of Revenue, Lower Provinces.

With reference to your letter No. 854A of the 18th September last, I have now the honour to submit the following report on the working of the putwari system in this division.

2. I regret there should have been so great a delay in the submission of this report. The report from Shahabad was not received till the 1st ultimo, while the reports from other districts were not complete, necessitating further references.

3. The subjoined statement shews what progress has been made in each district in reorganizing the system—

	Number of villages in which putwaries have been appointed.	Number of villages in which putwaries have yet to be appointed.
Patna	7,242	149
Gya	5,444	1,018
Shahabad	2,459	6,461
Mozufferpore	3,048	1,374
Durbhunga	6,248	2,182
Sarun	3,449	1,782
Chumparun	2,508	Nil
Total ...	30,398	12,966

This progress is on the whole satisfactory, considering the fact that the land registration operations have but lately been completed. In Chumparun the work has been completely done, and very little remains to be done in Patna. Shahabad is the only district where the operations are considerably behind-hand owing to circumstances thus explained by Mr. Edgar—

"The new rules for the registration of putwaries were extended to this district early in 1877, and it was then intended that the work should be carried out *pari passu* with that of land registration, which, however, has already made some progress. Landholders were called upon to supply lists of putwaries to the Land Registration Officer, and the names of the putwaries so returned were registered. But some time after taking charge of the district in 1878, I found that, as a rule, the putwaries had been nominated for estates, not for villages; so that in many, if not most, cases there were several putwaries for the village, while the putwari was in charge of small shares in several villages. Of course the practice was as much opposed to Regulation XII of 1817 as it was to the new rules, and it becomes necessary to revise the whole of the work done. As some such village organization as that of putwari is essential to the successful working of the revenue system adopted for the Sone Canals from the North-West. I thought it would be best to put the work under the charge of the Land Acquisition Officer in all those parts of the district affected by the canal, and I proposed to finish this portion first.

"At this time I did not anticipate any serious difficulty in the work, which had seemed to go smoothly enough so long as the putwari had been registered for the estate, or rather share in the estate. I saw that a system of putwari exists with vigorous life, and it seemed

that there ought to be little difficulty in mending the defects in it and reorganizing it in the manner laid down in the rules. But I was not aware of the enormous extent to which the subdivision of property has been carried in the district, and I was also ignorant of the way in which the hereditary putwari families had divided the office among themselves. When we called upon the landholders to nominate putwaries, it frequently happened that each fractional sharer in the village claimed to have a special putwari to himself, while a crowd of *de facto* putwaries started up, each claiming to be the rightful putwari of the village under Rule 10 of the Board's Rules, and the provision of section 7 of Regulation XII, directing that village custom should be followed in the succession of putwaries. The real fact generally is that all the claimants are members of the same family, and that each has attached himself to some particular share in the estate, and become recognized putwari for that share throughout all the village."

4. It is somewhat disappointing to observe that the operations should have presented such difficulties in a district where "the institution has," to quote Sir Steuart Bayley's words,* "more real vitality than in any other district." Mr. Edgar too reports that the putwari system "exists with vigorous life in the district." He writes—"The institution is full of life, and in spite of all its present drawbacks is very useful. I am convinced that it is possible to make great improvements in it, if we are content to work slowly, doing a little at one time, but fear that we shall do much mischief if we attempt radical changes all at once."

* *Vide* paragraph 10 of this office No. 916R, dated 16th November 1876.

5. In Sarun the operations under the Land Registration Act have always been, as the Board are aware, behind-hand. The progress in putwari work has therefore been necessarily slow. It will be observed that the figures now shewn for this district are different from those previously furnished. Mr. MacDonnell, the present Collector, reports that, when he took charge of the district in November last, he found that very little progress had been made, putwaries having been appointed in only 1,605 villages out of 5,231. The credit of the work since done, therefore, belongs to him. He writes—"We have during the last four months registered nearly as many putwaries as have been registered during the last four years, but in present conditions I do not see my way to ending the registration for three or four months to come." Mr. MacDonnell is of course unable to account for the inaccuracy of the figures previously returned.

6. The scheme, so far as it has proceeded, has to a certain extent worked smoothly. In selecting and appointing putwaries, the Collectors have encountered little or no difficulty except in the case of joint and undivided estates in which every co-partner, large or small, is anxious to have his own putwari, and in cases in which ill-feeling exists between the several shareholders, which is frequently the case, complications arise. The course open to the Collector in such cases is to take upon himself the task of selecting a putwari, and the selection generally falls upon the man who is recommended by a majority of the shareholders. But this does not fully remove the difficulty which the system involves, for the parties who are not satisfied with the arrangement made by the Collector continue to retain their own putwari, and the only obligation which we can exact from them is to supply their papers to the registered putwari. But much of the useful information which the papers are expected to furnish is studiously kept back, and the registered putwari, who has not sufficient means to test the accuracy of the papers, has no other alternative than to produce them as they are received.

7. Another difficulty which the scheme presents is the appointment of putwaries to estates which are let out in ticca, and the Board are aware how extensively the ticcadari system prevails in Behar. The ticcadars do not recognise the putwaries appointed by the Collector on the nomination of zemindars. This is generally the case in ticcas held by indigo-planters. For obvious reasons the ticcadars take care to conceal from the zemindar's knowledge the profit they make from the ticca, or how they make it. The result is they keep their own putwaries, supplying, when pressed to do so, but not otherwise, the registered putwari with jummabundi papers prepared to serve their own interest. In short, the registered putwaree is totally ignored, or else there is a vigorous attempt made to get him dismissed by the Collector.

8. This is undoubtedly a serious difficulty, but, under the existing state of things, it is not practicable to overcome it. Under the law the nomination of putwaries rests with the zemindar, whose interest it is to employ a man who will not be subservient to the ticcadar, while it is likewise the interest of the ticcadar to keep himself aloof from the zemindar's putwari. To obviate this difficulty, Mr. Worsley suggests that ticcadars should be allowed to nominate putwaries for zemindars. But the plan so proposed will give rise to the same complications as now exist; for the ticcadar would nominate a putwari who would look to his interest, deposing the existing putwari, or any one who may have a good claim to the post—an arrangement which will certainly be hotly contested by the zemindar. On the whole, I think that it will not be a safe plan to empower ticcadars who have no permanent interest to nominate putwaries—a power which the old regulation tightly vests in the zemindar.

9. I now come to another vexed question in connection with the working of the putwari system. According to the old Regulation (Regulation XII of 1817), one of the chief objects of the system is to ensure the delivery by putwaries of a duplicate copy of their accounts for preservation in the Collector's Office. The difficulty of enforcing this obligation cannot be over-estimated. Nothing but extreme pressure can induce the putwari or zemin-

dar to file his papers in a public office. Strenuous measures had therefore to be adopted by the district officers to compel the putwaries to produce papers; and the result has been as follows:—

	Number of villages relating to which putwaries papers have been lodged in the Collector's Office.	Percentage of villages from which papers have been received to those in which putwaries have been appointed.
Patna	4,378	60 4
Gya	1,814	33·3
Shahabad	Nil.	Nil.
Mozufferpore	1,200	39·3
Durbhunga	2,550	40 8
Sarun	Nil.	Nil.
Chumparun	2,213	88 2

Even if the information gathered from putwaries had been of value, these results are not altogether encouraging. It should, however, be borne in mind that the procedure laid down in the present law for compelling a putwari to produce papers is not sufficiently effective. The only course open to the Collector to punish a recusant putwari is to send him to the Judge with a view to the man being detained in the civil jail until he complied with his requisition (section 23, Regulation XII of 1817). This procedure, cumbrous as it is, is seldom, if ever, resorted to.

10. The scheme is yet far behind perfection, and as it advances better results, so far as regards the actual collection of papers, are likely to be attained. But to what an extraordinary degree the rigid enforcement of the law in this respect would overburden our record offices may be conceived by the fact that there are altogether 43,364 villages in this division, not to speak of fractional shares, and that there will be an accession to the several record offices of (making the lowest estimate) some 50,000 papers per annum! The effect of the accumulation of the masses of papers will be that in a very short time there will be a block in the record offices, and the necessity for enlarging the offices in very district will arise.

11. The question then is, whether it is worth our while to have these papers at all. Before expressing my own opinion on the subject, I quote below the views of two of the Collectors on the point. Mr. Edgar writes—"No papers have as yet been filed, but it has been proposed to call for the jummabundies of the year 1286, which are now all completed. I feel great and increasing doubts about the expediency of this at present. There are many points to be considered, not the least of these is the question of room for storing such masses of paper as will accumulate in a very few years, if the jummabundies of all the villages in the district are collected annually. At present our record-room is getting rapidly filled, and there certainly would not be space for many thousand jummabundies, even though each one may be in itself of small size. Then there would be the difficulty of collecting them, and the impossibility of checking them without some such institution as that of pergunnah canoongoes. Unless they are carefully tested, and precautions taken against fraud, they will be worse than useless; for both landlords and tenants will undoubtedly take advantage of the opportunity to forge evidence to be used in their present or future disputes."

Mr. Weekes, the Collector of Chumparun, writes—

"It seems to me of little use to require papers to be filed which lead to nothing, are not reliable, and can never be tested. The Government connection with putwaries ceased with the necessity thereof; and accordingly the principle *cessante ratione cessat lex* the old Regulation XII of 1817 died a natural death, and it is equivalent to a re-passing of the Act to resuscitate it now. Putwaries were Government servants so long as it was the duty of Government to decide the ratio of the Government revenue to the produce of each beegha of land. But in 1793 Government made over not only its revenue, but, owing to the confusion caused by the introduction of Western ideas wholesale by Lord Cornwallis, the rent also to the zemindars in perpetuity, or at any rate the revenue plus any amount of increase that the zemindars might on one pretence or another screw out of the ryots, and this increase practically converts that which was originally revenue into rent. The putwari's duty proper is solely concerned with revenue and not with rent.

"But the putwari of the present day, though the name and office have survived in Behar, perhaps owing to the propinquity of the North-Western Provinces, is, except in Orissa where he is still a Government servant, and where his *raison d'etre* still survives, an entirely different officer from the putwari of the past. His rent-roll is merely a rent-roll, and of no use as such in a Collector's Office. If of use anywhere, it would be in the court of the Moonsif, who has the decision of all suits for rent."

Mr Weekes continues—"Next as to the nature of the papers filed. They are in the form prescribed, but are in many instances incorrect. I have had about fifty of them tested by the canoongoe, and the general impression I have gathered is that their use is not commensurate with the expense and inconvenience to the ticcadars, and the extra trouble to the Government official involved in their preparation. The specification of each field of each ryot's holding necessitates much writing, while the vagueness of the specification renders it of but problematical use."

12. In all these views I fully agree. The putwari system, which was first introduced by Todar Mull, was resuscitated by us in 1793 with twofold objects, viz. :—

1st—To facilitate the decision of suits in the Courts of Judicature between proprietors and farmers of land and persons paying rent or revenue to them.

2nd—To guard against any diminution of the fixed revenue of Government or injustice to individuals by enabling the Collectors to procure the necessary information and accounts for allotting the public jumma upon estates that may be divided. (Regulation VIII of 1793, section 62.)

13. In 1817 the putwari system was placed on a better footing, when the objects of it were thus explained in the preamble of Regulation XII of 1817, the provision of which we are now endeavouring to enforce—

"The existing Regulations have been found to be in many respects defective, and great difficulties and delays have consequently been experienced in—

(*a*) the division of estates;
(*b*) the adjustment of the revenue to be assessed on their respective shares;
(*c*) the investigation of summary and other suits for rents;
(*d*) the decision of disputes relating to the limits of estates and villages; and
(*e*) the execution of decrees of the Courts of Judicature in regard to the possession and property of land.

14. However desirable it might have been in the early years of our administration to have a depository of the village papers, the circumstances which rendered such a measure *then* necessary have greatly, if not wholly, disappeared with the radical changes which have since taken place in the system of civil and revenue administration of the country. Under the Road Cess Act zemindars have to file their rent-rolls, which are preserved in the Collector's Office, and these are in an administrative point of the view far more important and useful than the returns which the putwaries are required to furnish.

15. Under those circumstances, I am of opinion that the rules requiring putwaries to furnish their accounts should be rescinded, as has been lately done in Orissa under orders conveyed in paragraph 4 of Government letter No. 1125R, dated 30th December 1879, which runs thus—

"As regards the call on the zemindars for papers, it would appear that the attempt to enforce this obligation was from the first unpromising. The duty was undertaken after protracted resistance, and is scarcely performed at all; never with tolerable punctuality or without pressure being brought to bear. The papers when filed are, moreover, thoroughly discredited, and the great majority of the zemindars accept heavy fines rather than supply any. It is clear that the expedient has failed now, as it did 20 years ago. The Lieutenant-Governor further observes that section 33, Regulation XII of 1817, under which the zemindars have been required to submit the papers, was intended to provide an occasional and exceptional alternative, and not to be a substitute generally for the law. Having regard to the restricted application of the section, and to the fact that the enforcement of the demand for putwaries' papers is declared to be as vexatious and harassing to the zemindar as it is useless to Government, the Lieutenant-Governor approves the withdrawal of the orders requiring landholders to furnish these papers, and of the requisite modification being accordingly made in the rule."

16. The reasons which have induced the Government to modify the rule in question in Orissa are equally applicable to the putwari system in Behar, and I would strongly recommend that the rules be modified to the same extent here. Such a modification would remove the difficulties which are experienced by the local officers, and save the zemindars and putwaries from harassment and vexation, while it would not absolve the last from the obligation of producing papers when the Collector may have occasion to call for them.

17. As the practical working of the system—

Government letter No. 2525, dated 20th September 1873, to the address of the Board.

Following the scheme laid down in the old Regulation, to which we were directed "to adhere as closely as possible," we have at least so far succeeded as to have a putwari recognized and registered for villages in the greater part of the division. Those, as a general rule, receive their wages regularly and keep their accounts according to local custom; they no doubt readily carry out orders issued by the Collector, and are beginning to understand that they are bound to perform certain duties for Government as well as for the zemindar. In Shahabad the putwaries are at present extensively employed in the work of canal assessments; they are called on to be present at the measurements, to take care that the right names of the occupants of the fields measured are given to the irrigation amins, and that the results of the measurements and assessments are communicated as soon as possible to the ryots. For this they get a special allowance of 2 per cent. on the water-rate. In several districts they are now pretty generally utilized in the working of the Chowkidari Act.

18. In all these matters they are no doubt useful, and may become even more so; but I think it to be a question whether Regulation XII of 1817 gives authority for the employment of putwaries on such duties. My own opinion is that, so far as the old Regulation permits, the multifarious duties which putwaries are now called on to perform are not such

as that law authorises in letter, or in spirit, nor contemplated in the general scope of duties laid down in section 16, Regulation XII of 1817, clause 3, as required from putwaries under the terms of *customary*.

19. In his relation to the zemindar, the putwari of to-day, instead of being the village accountant, according to his legitimate duty under the Regulation, is employed almost invariably as the rent *collector*, and very much of the complaint as to the friction in the working of the system may be, I consider, rightly attributed to the anomalous position assigned to the putwari by zemindars and ticcadars, and indeed by Government.

20. I would certainly not advocate the abolition of putwaries; on the contrary, I would prefer to see the institution more strongly established; but to do this it will be necessary to introduce rules more in accordance with present requirements than the almost obsolete provisions of the old law. Regulation XII of 1817 should be repealed wholly, and re-cast in a new Act. In so legislating anew, an important point should not be lost sight of, viz., that without either legislative action or judicial notice being taken in favour of the putwari legally nominated and registered, the mere appointment of a single putwari, when there is no joint-manager of an estate, will be futile, as it has practically already been under the present half measures adopted in the existing rules.

H P.—Reg No 109330—100—17 12-84.

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No. 3355—1762L. R., dated Calcutta, the 15th December 1880.

From—C. W. Bolton, Esq., Under-Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Board of Revenue, Land Revenue Department.

I am directed to acknowledge the receipt of your letter No 712A of the 21st October 1880, with its enclosures, reporting on the working of the patwari system in Behar. The Board have, on a review of the correspondence on the subject, come to the conclusion that the patwari is of no use to the Revenue authorities as a village accountant, and in this view the Lieutenant-Governor entirely agrees. There is no doubt that the attempt to adapt the patwari system to the present state of things in Behar has proved a failure. The accounts filed by the patwaris are worth absolutely nothing, and consequently do more harm than good, and may be the means of misleading the authorities who attempt to use them as their guide. Even if the best materials for the preparation of the accounts were available to the patwaris, the Lieutenant-Governor considers that the slightest value would not attach to them. The best-intentioned patwari would be helpless with the difficulties which undoubtedly are thrown in his way in his attempts to prepare his accounts.

2. After stating the above conclusion of the Board, your letter proceeds to discuss a contention put forward by Major Money, on behalf of the Maharajah of Durbhunga, that the patwari should be recognized as a purely zemindari servant. The Board have no difficulty in showing that this is not the patwari's true position in law; but they are willing to see the orders requiring him to file his accounts in the Collector's office entirely withdrawn, and would even cancel the rule prescribing the form of registers. They desire to see the patwari maintained on his present footing as a servant of both Government and the zemindars, chiefly for the performance of all customary services to the State covered by the Regulation, and for granting rent receipts, and attendance at the valuation or division of the crop in districts and villages where the bhowlee system prevails.

3. On the whole, the Lieutenant-Governor thinks it best that the institution should be left for the present on its existing mixed basis. If the patwari were formally allowed to become a mere zemindari servant, his usefulness to the ryots, and his amenability to village considerations, would entirely disappear, and he would become simply a petty gomashta, the worst enemy of the ryots. On the other hand. to make him a Government servant, and yet insist on his keeping the rent accounts, would, now that the revenue is permanently settled, amount to a direct interference between landlord and tenant. The Lieutenant-Governor, however, sanctions the withdrawal of the rule requiring the patwaris to file accounts in the Government offices, and he approves of the principles enunciated in paragraph 19 of your letter, as to the customary duties which the patwaris may be called upon to discharge, as Government officers, under the Regulation. But he is unwilling that the rule regarding the forms of registers to be kept by the patwaris should be cancelled, as suggested by the Board. It is desirable to lay down such forms, and officers on tour should see that patwaris keep up their registers, for the sake of the villagers. Care should also be taken that all patwaris receive a fair remuneration. Sir Ashley Eden is opposed to fresh legislation, and accepts Mr. Reynolds' view that the law as it stands is sufficient for all useful purposes in connection with the working of the patwari system.

4. As regards the extension of the system to Purneah and Bhagulpore, as proposed in paragraph 22 of your letter, I am to ask that Government may be informed what ground the Board have for supposing that the institution is sufficiently flourishing in those districts to warrant their proposal.

W LeB—Reg No. 10933C—100 16-12-84.

To—The Hon'ble Sir Ashley Eden, K.C.S.I., C.I.E., Lieutenant-Governor of Bengal,

The humble petition of the undermentioned zemindars and landholders of the district of Bhagulpore.

Most Respectfully Sheweth,

1. Your petitioners are zemindars of the district of Bhagulpore, and they have come to know that orders have been passed for the introduction of the putwari law (Regulation XII of 1817) into this district, and rules in that behalf have been framed by the Board of Revenue. The Revenue authorities are now calling upon them to make returns according to a given form with the object of preparing the register of putwaris prescribed to be kept by the Board.

2. Your petitioners were not aware of the intention of Government, or of the Board to introduce the putwari law and system into this district previous to the issue of the orders above referred to, as the district authorities did not consult them before submitting their report in the matter, and therefore they could not represent their views to them or to Government, but now that they have come to know of the matter, they humbly beg to be allowed to make a representation on the subject, as they consider that the introduction of the system would affect them very prejudicially.

3. The petitioners beg to state that the putwari law and system have long been obsolete in this district, if ever they were in force. This district though technically coming under the Province of Behar was never strictly a Behar district in former times. Rajmahal, Pakour, Sultanabad, Belputta, which were essentially Bengali, formed a part of it, previous to the formation of the district of Nya Dumka in 1873; and in a large portion of the district as it now stands there is a Bengali population, long settled there from a time anterior to the accession of the British power, and there are many Bengali zemindars. As the putwari law is not in force in many districts under your Honor's rule, your petitioners think no general necessity is felt for its introduction, and there can be no occasion for its introduction, where the system was probably not in force, or where it has long died out, simply because it happens to come under the definition of the Province of Behar.

4. Under the putwari system, the village putwari receives a certain percentage from the ryots on the rent payable by them, and a certain proportion of the grain in bhaoli, but this usage does not generally exist in the zemindaries in this district. Many zemindaries are managed on the Bengal system, and the name of putwari is not in use in them; and in others where the name of putwari is used, the amla so named is properly a *gomashta* receiving a monthly salary, and is appointed, removed or transferred at the option of the zemindar or landholder in possession. According to the putwari law, as prescribed by Regulation XII of 1817, the putwari is appointed or removed by the order of the Collector only, but this practice is not in use in this district. Your petitioners beg to submit that when the system is not in force in this district, it would be virtually a new introduction, and lead to many complications, as its essential parts are wanting. By Regulation I of 119 the Putwari Regulation was extended to all the districts of Bengal, but it has not been revived in them.

5. The petitioners beg to represent that the putwari law may be well suited to places where Government revises the settlements at stated periods, but the necessity for it can hardly be felt in a permanently settled estate. The preamble to Regulation XII of 1817 shews the purposes for which putwaries were needed, but under the present altered circumstances the petitioners believe that there is no occasion for such an agency. If information on any points connected with villages are required, they are quite willing to supply them through their village amlas as they have hitherto done, and they beg to submit that it is hardly necessary to revive the old Regulation for such purpose.

6. The inconvenience, hardship, and injury which your petitioners will suffer by the introduction of the system are much. The putwari will be a public servant as well as a zemindari amla. In the state of things existing at present in many zemindaries in this district, your petitioners do not feel sure how his remuneration will be regulated, that is, whether the zemindar will have to remunerate him from his own pocket or out of contributions from ryots, as is customary under the system. If the latter, how is the contribution to be collected in case of non-payment? The Civil Courts do not decree Huk Putwari in the absence of an express contract for it. If the proprietor of the estate will have to pay it in the first instance, under orders of the Collector, as is probably contemplated under rule 19, he will practically lose the money, as he will not be able to recover the amount, in many cases, from ryots or tenureholders in the absence of an express contract. In mokarrari, ghatwali, putni, and other shikmi tenures, the holders of them may refuse to pay the remuneration of the putwari nominated by the proprietor and appointed by the Collector according to Rules 1, 8, and 11 framed by the Board in the absence of any contract or law entitling the proprietor to enforce their liability. Your petitioners beg to urge that it is hardly fair that a zemindar who does not derive any benefit from the employment of a putwari, by reason of his having let out his property in perpetuity, should have to pay for him under the rules framed by the Board.

7. Your petitioners beg to represent that it is of the utmost importance to a zemindar or other person in possession of landed property that he should have the power of appointment and dismissal of village amlas. To take away this power from him and vest it in other hands would introduce various complications, cause him loss, and cripple him in the due management of his property. Gomashtas, tehsildars, and putwaries in charge of villages ought to be persons in whom their employers have confidence; but how can there be confidence in village agents forced upon him under the provisions of Rule 10, and the last clause of Rule 11? The nomination being in the hands of the proprietors, the tenureholders will have no voice in the selection of their village putwaries. How can they entrust them with the collection of money, the granting of receipts and faraghs, and the keeping of accounts? The same objections will apply to putwaries appointed by the Collector without regard to the nomination of the proprietor, where he may be in direct possession of the estate. The provisions of Rule 10, restricting the choice of the zemindar, is also open to much objection. To compel the proprietor to nominate from the members of the late putwarie's family, when the proprietor may have succeeded in turning out the late incumbent for misconduct, would be to place under him a person, who, bearing hereditary ill feeling, may put him to much annoyance, vexation, and trouble. The consequence would be that proprietors will have to pay, in many cases, for a double agency for the putwari appointed by the Collector who will do no work for him and for the amla in actual charge of the village. Your petitioners believe that it is not the intention of Government that zemindars should pay for putwaries who may not do any work for them.

8. The petitioners venture to think that the appointment and dismissal of putwaries by the Collector, and the submission of village accounts as a public functionary by them, would lead to various malpractices, corruption, and bribery, where they happily do not exist now. It would afford a wide field for patronage to Collectorate amlas in charge of the department.

While zemindars would try their best to get rid of insubordinate or inconvenient putwaries, the latter would, on their part, try to remain where they are After removal the same process would be repeated at the time of appointment. Thinking that entries in the account submitted by putwaries may be of ulterior use, ryots and zemindars would attempt to fee them for decreasing or increasing the rental. A putwari not well disposed towards the zemindar would have ample opportunity of causing him annoyance and loss

9. The petitioners venture to urge that Rule 5 laid down by the Board would work very injuriously. Unanimity in nomination can hardly be expected where the shareholders are many. It is a common practice with putwaries who are appointed by all the shareholders in joint villages at present without the intervention of the Collector to side with some of them after a time and to sacrifice the interests of the rest. Having sunnuds of appointment from the Collector, it will be in their power to work greater mischief. This rule, your petitioners believe, will cause much individual hardship and injury.

10. At present your petitioners remove and transfer their village amlas according to the necessity of the case on complaint of ryots, or for other reasons, without any reference to the Collector. If the putwari be appointed and removed by the Collector, each case would have to be brought to his notice, and some hearing would probably take place. Necessarily, delay would occur in the passing of final orders, and in the meantime the village work would suffer. If the Collector should disallow the prayer of the zemindar for dismissal of the putwari, he would be in a very bad predicament, for the village work would not proceed satisfactorily, and he would have to employ another hand.

11 The injurious consequences of the measure briefly stated by your petitioners are not merely imaginary. If the rules and the law be strictly enforced, the consequences pointed out by them would eventually arise. In some districts, where the law is in force, your petitioners believe the zemindars are feeling the evil effects originating from it. Your petitioners relying on the generous and gracious consideration of your Honor, beg to represent that they should not be subjected to the evils of the system, when they are happily free from them.

12. If your Honor should think that it is necessary that some step should be taken for having an agency for the collection of village statistics, the zemindars and tenureholders of this district are willing to engage in writing duly recorded at the Collectorate to supply them through their village amlas. If it be necessary to ascertain the names of such amlas, they are further willing to supply such names from time to time. A register of these persons may be kept in the Collector's office. Your petitioners beg to represent that the appointment and dismissal of zemindari amlas, be they called putwaries, mohurrirs, gomashtahs, or tehsildars should remain with the person in actual possession under a permanent right, whether as zemindar, talukdar, putnidar, or by any other title, for the deprival of this power, and vesting it in the Collector would affect them very detrimentally in the management of their properties.

13. Your petitioners also beg leave to take exception to Rule 8 of the rules for the guidance of putwaries. The restriction that a putwari should not be a *salis* or arbitrator is a good one if he were simply a Government servant, but as he well also be a private servant of the zemindar, it is hardly a just one, for the zemindar may not be able keep a second amla in the village The Putwari Regulation, your petitioners believe, does not justify such a rule, for acting as *salis* is a customary duty of village putwaries.

14. The petitioners beg leave to state that the circle system referred to in Rule 2 would tend to deprive zemindars and landholders of the services of putwaries, for the same person

would not do work for different landholders at the same time, and that it should not be introduced without the consent of the parties concerned.

15. Your petitioners pray that your Honor will be pleased to bestow your gracious consideration to this representation, and to direct that the putwari system and law should be not introduced into this district, and pending final order on this representation, to suspend the enforcement of the rules, promulgated by the Board of Revenue.

And the petitioners as in duty bound shall ever pray.

Dated Bhagulpore, the 4th March 1882.

From—Baboo Surja Narain Singh,

To—The Secretary to the Govt. of Bengal, Land Revenue Department.

I have the honour to forward the accompanying memorial by the zemindars of Bhagulpore regarding the introduction of the putwari law into this district, and to request the favour of your laying it before his Honor the Lieutenant-Governor of Bengal for his gracious consideration.

I beg also to request your attention to the prayer of the memorialists that, pending the consideration of the memorial by his Honor, the issue of notices calling upon zemindars to nominate putwaris may remain in abeyance.

No. 600—204LR.

Forwarded in original to the Secretary to the Board of Revenue, in the Land Revenue Department, for the favour of a report, with reference to the correspondence ending with Mr. Mackenzie's letter No. 509T, dated the 18th June last.

2. The return of the original papers with the reply is requested.

By order of the Lieutenant-Governor of Bengal,

C. S. BAYLEY,

Offg. Under-Secretary to the Government of Bengal.

Calcutta;

Revenue Department,—*Land Revenue,*

The 13th March 1882.

J. E. S —Reg. No. 10934C—100 -16 12-84

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No. 3722, dated Durbhunga, the 30th May 1882.

From—Lieut.-Colonel R. C. Money, R.S.C., Manager, Raj Durbhunga,
To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to request your attention to my letter to your address, No. 3961 of 21st June 1880, and to the copy of my letter to the Commissioner of Patna, No. 3653 of 6th June 1880, then sent to you for information of His Honor the Lieutenant-Governor of Bengal, and to ask you kindly to bring this matter once more to the Lieutenant-Governor's notice.

2. The efficient management of their large estates by the Behar zemindars is a matter in which the Bengal Government has always shewn the greatest interest, and is all important to the well-being of the people of the country, but I would with all respect point out that as long as the putwari is allowed to occupy his present most anomalous position as a paid servant of the zemindar, and yet one over whom the zemindar is allowed to exercise no control, it is quite impossible that these zemindars can manage their estates as efficiently as they should do, in their own and their ryots' interests.

3. I write of course with special reference to the Maharajah of Durbhunga's estates, but I believe that my complaint is that of all landowners in Behar, and I would very earnestly ask that some enquiry be made as to the present working of the putwari system—a system which, viewed by me in the light of the experience which I have gained during very many years of collectorate work as a Deputy Commissioner, and now several years of the management of these estates, I consider to be utterly fatal to the improvement of the ryots' condition.

4. In my letter to the Commissioner of Patna, No. 3653 of 6th June 1880, I explained at length my reasons for looking on the putwari's legal position as that of the zemindar's servant. The Board of Revenue and the Lieutenant-Governor, however, though allowing some weight to my arguments, took a very different view, and I would not now re-open this question; but what I would desire to urge to the best of my ability is, that if legally the putwari is not a zemindari servant, and the zemindar has no control over him, it is then all important, in the ryot's interests as well as in in the zemindar's, that the law should be amended and the zemindar given such controlling power over the putwari as may secure him and his ryots from the rascality, confusion, and loss consequent on the putwari's present status.

5. The putwari being by law the man especially appointed to keep the ryots' accounts, to give them receipts for the rent paid by them, and to account to the zemindar for the collections of his rent, is the most important of all the zemindari servants; his "busta" is the village record of rates and rights, and he is the backbone of the present ryotwari system in Behar. It is then all-important that such a man should not only be himself trustworthy, but under such efficient control that abuse of his position would be difficult. What, however, is the result of the working of the present system under which the zemindar, the person directly interested, whose work he does, and who gives him his pay, has no control at all over the putwari, while the Collector, who is but indirectly interested in his work, has absolute control over him? The result of this dual service is simply that the putwari of Behar is as a class a man in whom no reliance can be placed, and is equally false to the zemindar, the ryot and the Government interests—a man who takes and keeps his appointment, not for the sake of the pay attached to it, but for the sake of the vast opportunities offered to him of cheating both ryot and zemindar without much fear of detection, or rather, I should say, of punishment if detected.

6. Writing as strongly as I do, it might be asked why this was not more prominently brought to notice when I was Manager under the Court of Wards. I would answer that the evil which we now so greatly suffer from was not then felt in these estates as it now is; the Manager worked immediately under the Collector on part of the Court of Wards, and their interest in such matters were identical, and, as a rule, the Collector, from his intimate association with the estate, felt the necessity for a putwari's dismissal, when applied for by the Manager, almost as much as that officer did himself, and thus the Manager had a sort of direct control over these putwaries. Now, however, that the Maharajah is of age, and the Government connection with the estate has ceased, the Maharajah or his Manager has absolutely no control over the putwaris, he is told he may not even fine them, and his only remedy for a putwari's offences is to apply to the Collector for his dismissal, a remedy which is attended with such chances in favour of the putwari that we find it better to work on as best we can with an utterly inefficient putwari than to lessen our influence over them as a body by failing in obtaining his dismissal after we have applied for it.

7. It will, I think, be allowed that whatever his legal status may be, there is work, and most important work, which the putwaris have to do for the zemindars from whom they draw their salaries—work, too, which, if not done, brings the zemindar into difficulties. For instance, when the Collector calls on the Maharajah for village jummabundies to be filed in his road cess office by a certain date under penalty of fine, the Sub-Manager in whose circle the putwari concerned lives orders him to prepare these jummabundies at once; but knowing that the Sub-Manager has no authority over him, the putwari absents himself from the village, neglects to send in the papers, and the Maharajah is exposed to fine. This is one of many instances showing how the master in this case may suffer from having no authority over the servants whom he is bound to pay and employ.

8. At the most important time of our collection, putwaris absent themselves from the villages; in the matter of receipts they cheat both ryots and zemindars; they throw the whole zemindari system into confusion and arrears by their neglect to give in the Jummabundies and wassilbakies year by year; and for all these grave offences the zemindar's only redress is in applying to the Collector for the recusant putwaris' dismissal. Collectors, however, deem it necessary to make a regular suit out of such applications, and to satisfy themselves that the putwari is not being wronged, and so dates of hearing are fixed, witnesses called, and a long, heavy kind of civil suit arises out of what needed prompt and sharp orders. In some cases over a year has elapsed ere orders have been passed, and then we have lost our case and the putwari been upheld owing to some petty default on our part, such as not appearing in court on a day fixed, the court being in the mofussil and we having had no notice that the case would be heard out of Durbhunga.

9. In regular trials of this kind the putwari has every chance of success; he can always bribe or coerce evidence which to the court will appear every bit as good as ours can do, and if I produce six witnesses to show that he was absent from his village on certain dates, he will with ease produce ten to prove that he was present; and while such cases are dragging their long course in court, the Maharajah's collections in the villages concerned are at a standstill, as the putwari no longer works for us and until we have some one to give the ryots receipts, who is acquainted with their accounts, nothing can be collected. The whole collection season will sometimes pass in this manner, and the current rent become an arrear difficult to realize.

10. I am describing a state of affairs from which every zemindar in these parts is suffering, and I would most respectfully urge that the ryots condition will never be all we would wish it to be until we have a set of putwaris amenable to the direct discipline of the master for whom they work.

11. I would in conclusion respectfully submit that the law needs alteration and that the zemindar should be given control over his own paid servant; and I would beg, in the interests of both zemindar and ryot, that a full enquiry be made by a competent commission into the status of the putwari in Behar, and the result of the present working of the law regarding him.

12. Ryots in these parts suffer but little oppression now from any one but from the putwaris; and if it is the Government wish to ameliorate the ryots' condition, I would respectfully urge that this cannot be effectually done until the putwari is brought under the proper control of the master who gives him his pay.

H P—Reg No. 16985C—100—17 12 84.

Dated Bankipore, the 24th September 1882.

From—HURBANS SAHAI, Honorary Secretary, Behar Landholders' Association,
To—The Secretary to the Government of Bengal, Revenue Department.

I HAVE the honour, at the desire of the Committee of the Behar Landholders' Association, to submit the following extracts from the annual report of the Association for the favourable consideration of Government :—

"13. The subject of the putwari laws has for some time attracted the attention of the Committee of the Behar Landholders' Association.

"Regulation XII of 1817, which was enacted for Behar, Benares, the ceded and conquered provinces, was extended to all the districts of Bengal by Regulation I of 1819; but these regulations fell into disuse so early as 1837. No attempt seems to have been made to put the putwari laws again into force till 1868; and though since then the putwari laws have been at work in Behar, they have never been in operation in the districts of Bengal. The fact of their falling into disuse for such a length of time and their not being enforced in the districts of Bengal, though the same revenue system prevails in both the provinces, is a *primâ facie* proof that the law is not of much practical importance, and shows also that there are defects in the provisions of the laws which made their enforcement hard alike to the zemindar and ryots.

"14. The position of the putwari under the law is anomalous; his work is that of a zemindary servant. He gives receipts, he sometimes receives rents, and he is to keep up all zemindary accounts. He ought to be responsible to the zemindar for the satisfactory discharge of all these duties entrusted to him, and ought to be for all these purposes entirely under the control of him whose servant he really is; but the law places him above his master. He is to be nominated by the zemindar, or zemindary body; but appointed by the Collector, who fixes the amount of his salary. The zemindar cannot touch him even for the gravest dereliction of his duties, but can only apply to the Collector for his removal; and the putwari can bring the zemindar to his senses if he dismisses him without the order of the Collector. Practically, the law makes him a Government officer, with this additional advantage in his favour, that from the petty nature of his office, and the works assigned,—works with which Government interests are not at all concerned in places where a permanent settlement of the Government revenue prevails, he entirely escapes that official supervision, which, while keeping petty Government officials in check, ensures the success of our administrative system.

"15. A petty Government official, on a small salary, whose works cannot be supervised, and whose every day conduct is not closely scrutinized by an official superior, is a public infliction. In the present case, even the safeguard of public opinion, which unfortunately under the present circumstances of the country is the weakest hold on the honesty of public servants, is entirely wanting; and the putwari reigns supreme in his village, remote from official supervision and public opinion of any kind, and sometimes backs the ryots against the zemindar, and sometimes sides with the zemindars against the ryots, according as it suits his pleasure and interest. That interest is always best served by creating disputes and by keeping the two at loggerheads. Oftentimes he aims at a higher game, and actually succeeds, for purposes of his own, in creating dissensions among the different members of the proprietory body itself.

"16. It is true that under the regulations the zemindar has the power of nominating the putwari, and of applying to the Collector under certain circumstances for his dismissal; but these powers are practically *nil*. Unlike all public officers, the Putwari's office is hereditary (*vide* Rule 10 of the rules for putwaris). Not only is the zemindar's power of nomination thus fettered, but it is fettered still more by a reference to an undefined usage as to such nominations alluded to in the Regulations (*vide* section VII of Regulation XII of 1817). In joint estates, when the co-sharers do not agree as to such nomination, the power of nomination and appointment is vested in the Collector.

"As to the power of applying to the Collector for the removal of the putwari, the wisest course for the zemindar to adopt is not to exercise such powers; for when the zemindar puts in such an application, it is not unusual for the putwari to put in a counter petition for unauthorized removal against the zemindar under section XIII of the Regulation. In a country where the co-proprietory body is not much noted for unity of action, ten to one, he gets some of the proprietors to back him, and with such assistance and with the sympathy which it is but natural that the Collectors should feel for the putwari in his contest with the zemindars, as the weaker of the two, he comes out of the trial as the individual aggrieved.

"The putwari's triumph is the signal for the ryots to see the powerlessness of their landlord, who not only falls off in their estimation, but in the estimation of all his neighbours for his evident powerlessness to remove his own servant.

"17. The traditions of the Putwari's office are kept up by the hereditary nature of the office. The putwari trains up his son, the future putwari, in his stereotyped method of keeping the accounts. No improvement is possible to be introduced without serious opposition, and the regulations make it almost impossible for the zemindar to introduce a better set of men. This state of things is attempted to be justified by assuming an analogy between the office of the putwari and that of the village accountant under the Aryan system

of village communities as it prevailed in India in days of yore (*vide* Bengal Admininistration Report, 1871-72 pp. 142-43). It is to be noted that no such analogy exists. The village accountant, like the village barber, was a servant of the village community, entirely dependent on the good will of the people whom he served, and from whom he received his wages.

"18. In the administration report referred to (p. 143) it is stated, "on all lands which come under settlement, on all Government estates and wards' estates, efforts are being made to record the functions and emoluments of the putwari, and to reconstitute them as recognized servants of the village communities." Now, if the object be to make the putwari the servant of the village communities, the position of the putwari should be defined as such under the law. There should be no mistake as to his exact position. He should not be sometimes mistaken as the servant of the zemindar, and at other times as a disinterested third party in the village, (*i.e.*) a Government servant who has nothing to do with the zemindar or with his ryot. It is in consequence of a mistake of this kind that the putwari is at times held to be more trustworthy than the zemindar from whom he receives his wages.

"19. Rule 5 of the Rules regarding canoongoes and putwaris prescribed by the Board of revenue, provides that "in joint estates the zemindars shall not be allowed to appoint separate putwaris of their own. If they cannot agree, the Collector shall appoint one under section 1. Even in estates where a regular butwara has not been effected, it is often times the case that the zemindars collect their rents in separate sharers, the arrangement having been acquiesced in by the ryots Under the rule quoted, they are bound to have a common putwari, and the effect is that the putwari neglects and ignores the smaller proprietors altogether.

"20. The public duty imposed upon the putwari is the submission of certain annual returns and such other statements which the Collector may require him to produce. In estates permanently settled the returns have not much bearing with the Government revenue or the Government interests. They may have some value in determining the rights of ryots, though their probative force ought to be but slight; for if the zemindar and putwari pull together, the returns filed by the putwari in the Collector's office are but the counterpart of accounts kept in the zemindar's sherista; if they do not, the putwari puts in a return in the zemindar's back, and the zemindar gets no opportunity of questioning the correctness of such returns. The usual practice was to keep these papers (the enormous bundles increasing from year to year) under the charge of a Collectorate mohurir. The returns were not filed in bound books, but in loose sheets, and not unusually only the first sheet of the bundle bore the initial of the Collector or one of his deputies. With designing men, it would not have been difficult to change a whole sheet, or to shove in a new bundle altogether. The zemindar's interests might have been seriously jeopardized if these papers continued to be received and kept in the way in which it was hitherto the practice to receive and keep them; for though the papers wanted any real probative force, they might have acquired some degree of it by sanctity of their age. As against the zemindar in any contest with his ryots, it was not unusual for the courts to give them a certain degree of importance as proofs, under the mistaken idea that the putwari was the zemindar's servant, and that the papers which he put in the Collectorate came from the zemindary sherista.

"21. The Committee of the Behar Landholder's Association hold that the putwari laws, being unsuited to the existing circumstances of things, should be altogether repealed, or if this cannot be done, the law should be so modified as to give the zemindar the power of appointing and dismissing the putwari.

"22. The following resolution was unanimously adopted on the subject at the first annual meeting of the Association. 'That Regulation XII of 1817, though standing unrepealed in our statute laws, was not acted on until before the last few years, and though it is applicable to Bengal as well as to Behar, it is not acted on in the former province; that the position of the putwari under that Regulation is anomalous; that the practical working of that Regulation tends alike to the injury of the zemindars and ryots; and there does not appear to be any reason why, the revenue system in Bengal and Behar being the same, the Regulation should be put in force only in Behar, while it is found not necessary to work it on in Bengal; and that a representation be made to Government on the subject.'

"23. It is to be noted that other classes of people connected with land, experience a like difficulty from the practical working of this law; and shortly after the above resolution was passed by the Behar Landholder' Association, the Indigo Planters' Association decided to send a representation to Government on the subject, and proposed to this Association to submit a joint memorial. The Executive Committee of the Behar Landholders' Association, however, thought that two separate representations from these two influential Associations would have a better effect than one.

"24. In pursuance of the Resolution adopted, a representation was sent up through the Commissioner of the Division. The letter on the subject will be found in the Appendix. In reply they were told that no change in the putwari laws could be made at present."

I also append herewith a copy of the letter on the subject of the putwari law addressed by the President of the Association to the Commissioner, Patna Division, referred to in the above extract.

2. The evils of the putwari laws have been so fully stated in the extracts quoted above and the letter referred to, that I hardly deem it necessary to reiterate the statements in this

place. They tell alike, against the interests of zemindars and ryots, and it is much to be regretted that, notwithstanding strong representations on the subject, no action has yet been taken to put them down.

3. It is perhaps thought that in seeking for the repeal of the putwari laws the landholders are simply actuated by a factious spirit, and they seek to do away with an administrative machinery of control in villages, available to Government under the provisions of the Regulations. The landholders only beg to assure in reply that they have not the least objection to have placed over them, if needs be, as many Government agents for control in villages as may be deemed necessary by Government; what they complain is that the present anomalous position of the putwari should be removed; and that he should not continue to receive his pay from the zemindar, when he is not at all amenable to his control; and that he should not be allowed to go on unchecked in his position as a quasi-Government servant doing mischief all around to the zemindars and ryots alike, under the protection which the regulations afford him.

4. It is a grave mistake to suppose that the putwari is a disinterested third party present in the village. The fact is he is always for making the best of his little position, and goes on fomenting quarrels where otherwise there would be none simply to further his selfish ends.

5. The landholders are often times called on to furnish returns by the revenue authorities, and these they are bound to do under the penalty of a fine. These returns are in the putwari's Busta. The putwari absents himself, or neglects to do his duty, and the landholders are fined for his default. True, they can represent the circumstances to the Collector, and ask for the removal of the putwari; but a regular investigation, lasting from day to day, ensues with perhaps no eventual prospect of remedy for the complaining landholder.

6. That these statements are not at all hypothetical or exaggerated will be found by a reference to such gentlemen as Lieutenant-Colonel Money, Manager of the Durbhanga Raj, and the great body of indigo planters in this division, who experience a like difficulty on their own account. But perhaps, if the dumb ryots of Behar could speak, the strongest testimony against the oppressiveness of the putwari system would come from them.

7. The changes which the landholders want are sufficiently indicated in the previous representation which they had the honour of submitting to the Commissioner on the subject, and at present they most respectfully pray in the interests of both the landholders and ryots that a full enquiry be made by a competent Commission into the working of the putwari laws in Behar.

On the Putwari Law.

From—The President of the Behar Landholders' Association,
To—The Commissioner of Patna.

I HAVE the honour, at the request of the Behar Landholder's Association, to submit, for your consideration, a few observations on the working of the present putwari system in Behar. Since 1868 every endeavour has been made to turn the services of the putwari to account, but these endeavours have, in the opinion of all competent judges, conspicuously failed. The reason seems to be that the putwari system is altogether out of date, and unsuited to the present time.

2. In times anterior to the Permanent Settlement the putwaris were no doubt necessary officers, for they kept the Collector supplied with information regarding the collections and assessment of the several estates within his jurisdiction, and were also of service to the landholders in keeping the village accounts. But after the Permanent Settlement was concluded, the necessity for the retention of the putwaris ceased. Nor is this an imaginary supposition, for it is an admitted fact that within a few years from the date of the Permanent Settlement, the institution of putwaris had absolutely became obsolete in Bengal.

3. In 1817 an attempt was made to reorganise the system in Behar, and with this object in view Regulation XII of 1817 was passed. The preamble of that Regulation sets forth the object which the Government had in view in re-establishing the office of putwari. The preamble is as follows: "The existing regulations regarding putwaris have been found to be in many respects defective, and great difficulties and delays have consequently been experienced in the division of estates, the adjustment of the revenue to be assessed on their respective shares, the investigation of summary and other suits for rents, the decision of disputes relating to the limits of estates and villages, and the execution of the decrees of the Courts of Judicature, in regard to the possession and property of land. The reform of the office appears therefore to be an object of the highest importance."

4. Now it is obvious that the state of society and the system of administration in the year 1880 is very different to what it was in 1817. We have now a most elaborate judicial machinery, which certainly does not require the assistance of half-educated putwaris in carrying out the duties enumerated in the preamble to the above Regulation. There is now a special law for the partition of estates, and in that law putwaris are not even mentioned. Rent suits and boundary suits are now decided in the ordinary way. In such suits the papers of the putwaris would not even be receivable as evidence. It is not therefore surprising that Regulation XII, 1817, altogether failed in its object, that the defects in the putwari system continued as they were, and that the system itself, unsuited to the time, fell more and more into disuse.

5. Here the matter rested till 1868, when in consequence of the Orissa famine, a vigorous attempt was made to revive the institution of putwaris both in Orissa and Behar. A history of these attempts is given by Sir G. Campbell, the Lieutenant-Governor, in the Administration Report of 1871-72. The following is a short extract from the report:—

"Among the ancient institutions of the Aryan Commune, as it appears in India, was always found, the village accountant, or putwari as he is called on this side of India. The village putwaris were supervised by Government officials known as canoongoes. The existence of these useful public and commercial officers had been recognised in the earliest regulations, and during the first half-century of our rule in Bengal every effort was made to put them on a stable and satisfactory footing. In some parts of Bengal the village putwari was a recognised village official, who regularly compiled and filed in the Government archives the village accounts; in others he held a less independent position. It has been already noticed that during the *last thirty years these indigenous officers have been discouraged or abolished.* The *Canoongoes have* disappeared everywhere except in Orissa; and after the year 1837 the putwari, where that name was retained, gradually sank into the position of *servant to the zemindar*, instead of being accountant for the *whole village community.*

"In 1868 the Revenue Officers of Behar made an attempt to revive the importance of the putwaris and their office, but it was not until the Orissa famine of 1866 that any successful attempt was made to restore to these local officers their original position of village accountants and notaries. The Supreme Government has lately consented to the organization of the Orissa Canoongoes, at some increase of expense to the State, and the whole of Orissa is now parcelled out into canoongoe jurisdictions, while the putwaris are being regularly registered and recognised. In Behar, where the customs and practice of Hindustan are perhaps stronger than in Bengal, the putwari has retained more vitality as a village institution, and the policy of the last two years has done something to strengthen his position. On all lands which come under settlement, on all Government estates and ward's estates, efforts are being made to record the functions and emoluments of the putwaris, and to *reconstitute them* as recognised servants of the village *communities.* The Behar census was almost entirely taken by these men without extra payments. In more than one district of Bengal the census operations brought to light the general existence of the putwari, though now in a very subservient position. For many reasons the Lieutenant-Governor is anxious to foster and improve all the indigenous agency available, and much inquiry has been made on the subject."

6. Now what has been the result of all these efforts to receive the primitive institution of putwaris both in Orissa and Behar? If the institution could have succeeded anywhere, one would certainly have thought that it would have succeeded in Orissa where the land has not been permanently settled, and where it is therefore of importance that the Collector should be kept constantly informed of the condition of the estates which at no distant period he will have to re-assess. But so far from the putwaris having succeeded in Orissa, the Government have by a recent resolution determined to discontinue the appointment of putwaris in that province.

7. It appears to the committee of the Behar Landholder's Association that the reasons which induced the Government to discontinue the appointment of putwari in Orissa, apply with far-greater force to the putwaris in Behar. In a permanently settled estate the position of a putwari is altogether an anomalous one. He is neither the servant of the Government, nor the servant of the zemindar, and least of all is he the servant of the ryots. He is appointed by the Collector, and his pay is fixed by the Collector, and he can only be dismissed by the Collector. He occupies, therefore, a totally different position to the accountant in a primitive Aryan village. The accountant was the servant of the village community, who assigned him his remuneration, and who could dismiss him if unfaithful to his trust. In those primitive times the accountant was a most necessary village servant, for in many cases he would be the only man in the village who could read or write. But with the diffusion of education and the disruption of the village communities, the necessity for the retention of an officer like the primitive accountant has ceased. There seems to be no reason why the zemindar should be compelled to employ the village accountant to keep his accounts, any more than he is compelled to employ the village barber to shave his family. Where the putwari's services were useful, the zemindar would naturally employ him; but why should the zemindar be compelled to employ a putwari when his services were not required. The zemindars are responsible for the management of their own property, and in Bengal they employ their own servants in collecting the rent and in keeping the accounts of their estates, and there seems to be no reason why they should be denied this privilege in Behar.

8. And next with regard to the duties of the putwari. These may be classed under three heads—

1*st*.—The duties which he has to perform for the Collector.
2*nd*.—The duties which he has to perform for the zemindar.
3*rd*.—The duties which he has to perform for the ryots.

9. His duties towards the Collector are as follows:—

To file in the collectorate on the 1st Assin every year a copy of the following registers, which he is required to keep up:

(*a*.)—A register of the annual accounts of the village or jummabundee assameewar.
(*b*.)—A register of mutation of proprietors, lakhirajdars, and ryots.
(*c*.)—A register of pottahs.

10. The bulk of these returns is enormous, and it is difficult to say what useful purpose they answer. As far as the association is aware, they are simply filed in the collectorate, and are never used for any purpose whatever. They are not papers which can be used in evidence, for they would not be evidence either against the zemindar or against the ryots. Nor would it be safe to allow them to be used as evidence. They are not submitted in bound books, but consist of a number of loose sheets, the first of which only bears the Collector's initials. A fraudulent man would have no difficulty in changing or making interpolations in the sheets. Moreover, what guarantee is there that the returns are correct?

11. And first with regard to register A, the jummabundee assameewar of the village. The zemindars already supply this information in the road cess returns. The Road Cess Act contains a stringent provision for ensuring the accuracy of these returns, but the putwari is under no obligation to submit accurate returns. If he favours the ryots, he will reduce the jammabundee; if he favours the zemindar, he will raise the jummabundee. It seems very inexpedient to place such power in the hands of a putwari.

12. Then with regard to the mutation register of proprietors, lakhirajdars, and ryots. Bengal Act VII of 1876 provides for the registration of proprietors and lakhirajdars. There is a regular judicial procedure laid down by the Act for ensuring the accuracy of these registers, and it seems both mischievous and useless to allow a putwari to submit an independent register of his own.

13. A similar objection applies to the putwari keeping up a mutation register of ryots. When a ryot dies there are often disputes as to the persons entitled to succeed to his property; and this is surely not a question to be determined by the putwari. Moreover, no new ryot ought to be recognised until he has obtained the registration of his name in the zemindar's sherista, and to allow the putwari to keep up a mutation register of ryots independently of the zemindars would be productive of serious inconvenience.

14. As to the register of pottahs, that seems quite unnecessary. The Registration Act provides for the registration of pottahs, and it would be most mischievous to allow the putwaris to keep a register of pottahs which were not registered. If, therefore, the putwari merely enters in his register the registered pottahs his register is useless. If he enters in it unregistered pottahs, his register is mischievous as discouraging registration.

15. There is one further remark to be made with reference to these returns. While the putwari is preparing and submitting these returns to the Collector, he has no time to look after the collections of the zemindar; and it frequently happens that, at the very time when collections ought to be made, they are brought to a standstill, because the putwari is occupied in preparing these voluminous returns.

16. Secondly, with regard to his duties to the zemindar. The rules provide that the putwari is to "grant receipts to the ryots, and the receipt is to specify the quantity of land held by each ryot, and the rate at which each kitah of land is held." There are two objections to this rule. In the first place, where there are disputes between the zemindar and the ryots, the putwari, being a *quasi*-Government officer, sometimes sides with the zemindar against the ryots, and sometimes with the ryots against the zemindar. In such cases the zemindar ought not to be bound by the acts of a man who is not his servant. And in the second place, the putwari ought not to be allowed to enter in the receipts either the area of the holding or the rates of rent, when those matters are in dispute. Section 11 of Act VIII, 1869, specifies what particulars the receipts are to contain; and a ryot could maintain an action against the zemindar for withholding receipts if, in cases of dispute, the putwari insisted upon entering in the receipt a statement as to the rates or the area, the accuracy of which the ryot denied. And it would be equally unfair to the zemindar if the putwari were to grant receipts in the zemindar's name, stating that the areas or the rates were less than the zemindar admitted them to be. The zemindar ought not to be bound by receipts which are not given by one of his own servants.

17. The duties of the putwari towards the ryot are stated in rule 8, which is as follows: "The putwari shall as a rule attend at the jummabundee of each ryot's crops, but he shall not act as an arbitrator, but shall merely act as a recorder of the transaction. Similarly, where the battyya system prevails, he shall be present at the division of the corn and record the extent of the zemindar and ryot's share in the produce." There seems to be no necessity to retain a putwari for the performance of such duties as those. When there is no dispute as to the division of the crop the putwari's attendance is unnecessary: when there is a dispute, it is practically useless, for he can't interfere in any way, and it would of course be mischievous to give him the power of interference.

18. The Landholders' Association have now reviewed the duties which the putwaris have to perform, and for the reasons stated above they submit that the retention of putwaris on their present footing is useless, and they would therefore propose their abolition as *quasi*-Government officers. When a zemindar wished to employ a putwari he could of course do so, keeping him as his own servant, and paying him suitable wages. But the employment of putwaris should be optional with the zemindars. There is no reason why the zemindars of Behar should be compelled to employ putwaris when no such obligation is imposed on the zemindars of Bengal.

19. Should, however, the Government wish that putwaris should be retained, then the Landholders' Association would suggest that they should be placed on an intelligible footing. At present they are responsible to no one. The Collector can exercise no control or supervision over them, and being *quasi*-Government officials, they altogether set at nought the authority of the zemindar. It is almost impossible for a zemindar to obtain the dismissal of a

putwari. If he complain to the Collector against him and asked for his dismissal, the putwari is sure to reply with a countercharge against the zemindar. When there are a number of proprietors, the putwari is sure to get some to side with him, and it thus becomes a great object of the putwari to sow dissension among the proprietary body. Being a *quasi*-independent officer, his influence and importance is doubled if he can foment disputes between the proprietors and their ryots, or between the proprietors themselves. If therefore the putwari is to be retained at all, he ought to be retained only as the servant of the zemindar: the zemindar being responsible to the Collector for the supply of such necessary information as the law requires the zemindars to submit.

20. The Landholders' Association have thought it their duty to make these representations to you on the subject of putwaris, and they would feel much obliged if you would forward them with any observation which you may think proper to make for the favourable consideration of Government.

E. D'S.—Reg. No. 10936C—100—17-12-84.

Dated Bankipore, the 31st October 1884

From—The Honorary Secretary to the Behar Landholders' Association,

To—The Officiating Under-Secretary to the Government of Bengal, Revenue Dept.

In view of the proposed revision of the putwari laws, I have been directed by the Committee of the Behar Landholders' Association to submit the following observations on the subject for the favourable consideration of His Honor the Lieutenant-Governor.

It is admitted on all hands, in the correspondence on the subject of the revision of the Putwari Laws, annexed to the Government letter. No. 1157R, dated Darjeeling, the 13th October 1883, and circulated by the Commissioner of the Division among the leading members of this Association, that the patwary law of 1817 is not suited to the circumstances of the present times. Even in 1817 the putwari does not appear to have been the village accountant of the ancient village community in India, and he is decidedly not so now. The Board and all the local authorities recommended the rescinding of the rule under which it is obligatory on the putwari to file annually village papers and registers to the Collector. Mr. Halliday, in a letter to the Board of Revenue dated 4th May 1880, paragraph 14, says: "The reasons which have induced the Government to modify the rule in question in Orissa are equally applicable to the putwari system in Behar, and I would strongly recommend that the rules be modified to the same extent here. Such a modification would remove the difficulties which are experienced by the local officers, and save the zemindars and putwaris from harassment and vexation, while it would not absolve the last from the obligation of producing the papers where the Collector may have occasion to call for them." This recommendation has been endorsed by the Board of Revenue, and it is not likely that, with all the reasons against it, it will be deemed expedient to re-enact in the revised putwari law the section which make it obligatory on the putwari to file annual registers and accounts in the Collector's office. The primary duty imposed by the regulation on the putwari, which was the main reason of his existence, will be thus abolished; but his retention is recommended for the performance of what is vaguely called in the regulations, *customary duties*, which it is suggested should be properly defined under the revised law The question therefore is whether, with the primary duty imposed on him by the regulations gone, the putwari should be retained at all, and if retained, whether he should be retained in his present character of a *quasi*-Government servant, for doing what in the regulation is called customary duties, and what are these duties, and whether the scope of these duties should be further extended by a legislative enactment.

2. The position of the putwari is perfectly anomalous under the present law. The Behar Rent Committee say in the 4th paragraph of their report—"We are of opinion that the putwari should be made either a *bond fide* public servant, paid by the State as a village record-keeper and nothing more, or that he should be made entirely a zemindari servant liable to dismissal at the pleasure of his master the landholder. The present system, under which the putwari is nominally a public servant, but is in reality the zemindar's paid servant, we are unanimous in condemning." I have to submit that, whatever shape the revised law takes, this recommendation should not be lost sight of. To this, however, the Board remark, in their letter dated 21st October 1880, paragraph 21: "It must, however, be clearly understood that nothing less than the abandonment of the scheme is involved in the acceptance of either of the alternatives propounded by the Behar Rent Committee, or any of the three plans suggested by the Manager of the Durbhunga Raj. The duties discharged by the putwari cannot be fulfilled by a functionary who is merely an officer of Government or by one who is merely an agent of the zemindar. The authors of the regulations saw clearly the value of a link of this kind between officials and landholders, and they wisely determined that the putwari should be nominated by the zemindar, but appointed by the Collector. The importance which they attached to the compilation of village accounts has been much diminished by the altered conditions of land tenure, but their view of the proper status of the putwari is as true in 1880 as it was in 1817." Now, when it is thus admitted that the importance which the framers of the early regulation, influenced solely as they then were by the traditions and existence of the putwari's office in some parts of the country, attached without reason in 1817 to compilation of village accounts, has been much altered by the altered circumstances of land tenures which were effected by the Permanent Settlement of an earlier date, it is hard to see how their view of the proper status of the putwari can be said to be as true now as it was in 1817. Why a medium, a link, should be wanted between the officials and landholders it is not easy to see; it were good, in the opinion of this Committee, if many an existing link and medium were done away with, and no obstacles existed in the communication of the officials and landholders; yet if a link between the officials and landholders be really thought to be wanting in Bengal and Behar, the Committee respectfully beg to submit it is not true statesmanship to expect an underpaid underling, like a putwari, to supply that link.

The altered circumstances of the land tenures in Bengal and Behar virtually repealed the office of the putwari in 1793; the institution appears to have ceased to exist at once in Bengal, and though it continued to exist in name in Behar, it lost all its vitality except where it adapted itself to these altered circumstances, and the putwari became the zemindar's servant. That the Regulation of 1817 had been a dead-letter almost from the time of its enactment, even in Behar, is well known; and it continued to be a dead-letter until Sir George Campbell, bringing with him the traditions of other provinces, ordered its revival. Since then, after all the difficulties experienced by the local officers in their attempt to resuscitate an effete institution, with all the harassment and vexation to the zemindars, it has been

found that the putwari, if he is to be retained at all, must have other duties assigned to him than those which appear to have been his under a proper construction of the putwari regulation. Even now, there is a great divergence of opinion as to the nature of the works that come, or ought to come, under what is called *customary duties* of the putwari in the regulation. But the Board say in paragraph 20 of their letter to Government: "The duties in which the agency of the putwari appears to the Board to be specially valuable are the granting of rent receipts and attendance at the valuation or division of the crop, where the *Bhowli* system prevails." They say that, considering the ignorance and helplessness of the mass of the Behar peasantry, they would be inclined to attach great importance to the performance of those duties by an official who is presumably one of the *most respectable inhabitants of the village*, and who is, in some measure at least, independent of the zemindar.

The Committee beg respectfully to point out that the putwari happens oftener to be an inhabitant of a distant village than a resident of the village where he holds his office, and wanting in sympathy with all about him. Even the ryots do not admit that he is more respectable than they, and whatever advantages he has over his fellows, as a lettered man, he abuses either to the detriment of the ryots or the landholders. He is either obedient to the zemindar, or hostilely disposed towards him; but in either case it is absurd to expect him to protect those who are represented as ignorant and helpless ryots. But whatever weighty objections there be to placing in every village an under-paid official as the accredited agent of the revenue authorities, the objections to his present anomalous position as a *quasi*-Government official, with obligations of service both to Government who does not pay him and the zemindar who pays, are still weightier. Even the Famine Commission, while they recommend the creation of village accountants, condemn the present putwari system, under which the putwari is under a double allegiance. They say, "In the case of Bengal what is specially needed, in addition to the reforms suggested above, is the introduction of field registers and village accounts, together with more active administration. In order to effect the first of these two reforms, it is necessary, as we have already urged, to carry out a field survey, and to restore or create the body of village accountants. The position and duties of these officers should be defined with as much distinctness as possible, and it should be made quite clear that, though paid by a rate on the land, they are public servants amenable to the authority of Government. We cannot too strongly condemn the present system under which the putwari, as far as he exists at all, though nominally a public officer, is in reality nothing more than the zemindar's servant." It is, the Committee very respectfully submit, a policy of very doubtful utility to attempt to introduce a more active administration with the putwaris as the local *units* of such administration. If then a link is really wanted—between the officials and landholders—a local unit in aid of more active administration, let the people themselves supply the link. In time, under the the Local Self-Government Bill, the whole of the territories under His Honor the Lieutenant-Governor of Bengal will come, it is hoped, to be thickly strewn with Union Committees. It will be more in accord with the spirit of the times, and in fact better, if these Union Committees were to be utilized, with such help of establishment as would be needed, as centres of more active administration than an under-paid official, a little tyrant within his little world, furthest off from all manner of official supervision.

2—Preparation of village records:—Much importance is attached to the preparation of the village records; but this involves *first* survey and record of rights; *second*, the determination of all disputed rights in the village; *third*, the preservation of such records; *fourth*, registration of all mutations after the preparation of such record. The determination of disputed rights requires intelligent sifting of evidence, and attaching due weight to such evidence. Perhaps no officer below the rank of a Deputy Collector or a Munsiff will satisfy the requirements of the case. Even then any determination that may be come to with respect to those rights will be only the beginning of protracted litigation to come. The landholders have had very sad experience of the vexatious and harassing law suits, on stale causes of action, which ensued on the passing of the Land Registration law. Why should again a flood of litigation be ushered into the country in the name of record of rights. Such things are good in their way; but the time is surely come, or, if not actually come, is approaching day by day, when, with the further extension of primary education, each man may be trusted to keep a record of his own rights. Then the survey and record of rights will be a matter of tremendous cost: who is to pay for such survey? The public cannot of course be called on to pay. The burden therefore will fall on the zemindars and ryots, and the advantages they will reap will not be at all commensurate to the expense, anxiety and troubles that will be entailed. If, however, this would be as it were closing for ever the gate of litigation, if it would have been the ultimate settlement of all questions, once for all, this outlay, though ruinous to the present generation, would have been of use to the generation to come; but this clearly is not so. Changes come on every day, and unless, as much care were to be bestowed from day to day to register such changes as at the initial proceedings, the village records will be next to useless. The very preservation of the records themselves will necessitate the construction of costly buildings and the permanent entertainment of an honest staff of officials. If it is thought that the putwari can be entrusted with the preservation of such records, the sooner the idea is given up, the better. Money, to be thus spent, or misspent, may very well be utilized in educating the mass, and thus to teach them, where it is found they cannot do it now, to assert and maintain their own rights. The zemindars are bound periodically to file their jamabundis in the Road Cess office for the purpose of assessment, and though their papers are not evidence in their own favour they are evidence as against them.

B. P.—Reg. No. 10937C—100—17-12-84.

No. 729R., dated Bhagulpore, the 20th May 1884.

From—G. N. Barlow, Esq., c.s.i., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs,

To—The Secretary to the Board of Revenue, Lower Provinces.

I have the honour to submit the report called for in your No. 1170A., dated 12th December last, upon the subject of the reform of the putwari law.

2. In the form of an appendix I submit an abstract of the opinions received from Collectors and certain other gentlemen consulted. The remarks are copied at some length with the object of setting forth—(1) the ideas upon the putwari question generally entertained, and (2) the difficulty which persons practically conversant with the subject experience in answering the calls now made for a scheme for reforming the putwari law upon certain lines. It will be seen that amongst the persons consulted no one has faced the question in its details.

3. The subject is indeed a very difficult one. In the correspondence printed, which ends with the Under-Secretary's No. 1385, dated 1st June 1882, the question seems to have been thoroughly thrashed out, with the result that it was decided to abandon matters because it was found difficult to get the moderate requirement, according to their existing rules, regulating putwaris' duties, efficiently worked out. We are now asked to propose a change in the law which shall secure that more work shall be done, and better done, by the putwaris than was ever before proposed.

4. I take it as understood that Government does not see its way to effect what is desired by the constitution of a new and reliable agency at its own cost. We must work upon existing lines, and utilize and improve, as far as possible, the present institution of putwaris.

5. The question whether putwaris should be dealt with independently as public servants, or whether, as at present, they should be nominated by the zemindar, involves the all-important consideration that underlies the matter, viz., how the arrangements for their remunerations are to be carried out. At present, as the Collector of Bhagulpore remarks, the zemindar is regarded as responsible for the putwari's salary. Suits are brought for recovery of wages against zemindars, but not otherwise. Notwithstanding this fact, in districts where the institution of putwaris survives, it is pretty certain that the ryots pay "huq putwari," and the dues seldom come out of the pocket of the zemindar. Two of the gentlemen consulted by me have glanced at the question of legalizing this cess, but seem to be afraid to recommend such course being followed. If this was done, and a means of remunerating putwaris, independently of the zemindars everywhere, devised, there is nothing to prevent the Government changing the institution entirely and starting the system upon the basis of the putwaris being public officers and nothing else. It is in favour of treating the subject in this way that if the proposed new system is extended, as seems to be contemplated, to the numerous districts of Lower Bengal, where putwaris are not now existent, it would seem that some such plan of providing for remuneration by legal assessment must be adopted. It would be impossible to organize a scheme upon the basis of the implied responsibility of the zemindar to find the funds and leave the matter to adjust itself. Should it be argued that it is best to settle the rule uniformly and at once, and to depend solely upon putwari dues, after legalizing the same, I am disposed to differ. I would prefer to recognize and utilize this system, at present, where it now exists; to establish it in new cases where absolutely required, but I would work upon the old lines as far as possible. By such means we shall not court opposition, but defeat it. It is certain that the demand for increased attention to public duties on part of the putwaris will be met by a prompt outcry of interference with the rights of the zemindar, whose servant he is considered to be, and it is impossible, referring to the old regulations and reports, still to deny that there are grounds for the objection. It seems to me that the Legislature, having regard to the ancient character of the institution, might consent to give further prominence to, and enforce what may be called the public side of, the putwari's office when they might hesitate to start the scheme upon an entirely new basis.

6. So far as the actual working is concerned, I question if the continuance of the system of nomination by the zemindar can do much harm. I do not believe that we can at once get putwaris, on the pay, who will act quite honestly and independently of the zemindar. In the correspondence it is clearly admitted that in the last matter the zemindar has the game mostly in his hands, and can checkmate the putwaris by withholding information. The best thing that we can do therefore is to accept a condition under which the two may pull decently together, and such state of things will be most likely to come about where the Collector can approve of and employ the zemindar's nominee. We must trust to inspection and checks for security against fraud—the result of too close connection between the zemindar and putwari.

7. In this view I would leave the nomination to the zemindar, certainly in cases where the practice now prevails. The Collector should be armed with full power to reject a nominated candidate who was, in his opinion, unfitted for the post, and to appoint a person of his own selection in default of a suitable nomination within a reasonable time. When appointed, putwaris should be public servants in respect of the discharge of all duties required from

them according to law, and should be liable to removal from office by the Collector for incompetence, failure of duty, and misconduct, in addition to specific penalties which should be prescribed in the Act.

8. After the putwari is established, the next question is regarding the work he will have to perform. The Government orders contemplate a survey of the country, which doubtless must be carried out at the public expense. I have referred to the road cess papers, and I do not see how these can take the place of a survey, as apparently suggested by Mr. Reilly. The work to be done by the putwaris would be generally to record information that will keep the survey papers up to date. At first sight I cannot suggest anything better than the three registers for the purpose already prescribed under existing rules. Practical information on this point, however, should be attainable from the North-Western Provinces.

9. As regards other duties than those heretofore performed by the putwaris or village accountant, which it may be desired to impose upon putwaris under the new regimé, I would empower Government to define these from time to time.

10. I would not interfere with, nor recognize the question of, duties of any other class, such as village collection work, &c., which may have been before done by the putwaris on account of the zemindar. If the hands of the Collector are sufficiently strengthened by the provisions of the new law, and if means be afforded of practically working the business, I think that the issue that may be looked for would surely be increased efficiency in the performance of the public duties of the putwari and the subordination of the others.

11. Under the present law, the fact that the putwari keeps the accounts, or has access to the village papers, seems to be assumed as based upon custom—*vide* section 16, Regulation XII of 1817. This may not always be sufficient, and certainly will not be so in cases where the putwari system will have to be created anew. The new Act therefore should declare specifically that the putwari shall keep the village account papers, or where the zemindar retains a separate office establishment for the purpose, he shall furnish the putwari with copies of papers or returns that will supply the information required. These provisions will need to be enforced by penalties. Perhaps assistance in this direction may be obtained by adopting the proposal long ago mooted viz., to give preference to the authorized putwaris' papers over others for the purposes of suits. At that time it was objected that the putwaris and their papers were alike unreliable. I do not know, however, in what way progress is to be made, if we start with a determination to distrust them.

12. Effort should be made to improve the pay of the putwaris with a view to getting a better class of men into the office. As I have already said, I would recognize and legalize the huq putwari in all instances where it is now paid, and impose it anew in all cases, (1) where its adoption would be justified under the provisions of section XIX of Regulation XII of 1817, and (2) where no other mode of remunerating the putwari could be devised. I would act upon the suggestions of Mr. Weekes (*vide* appendix) to appoint the putwaris to small offices as far as possible. I think he is right in pointing to the Registration Department as offering a good field in this direction. There is no doubt but that the paucity in the number of registration offices, to the difficulty and delay in the way of registering documents, are a hindrance to carrying out the object of the law and an annoyance to the public. I believe ryots would willingly pay 2 pice in the rupee to register a document at their own village, and that the system would in time become popular.

13. As regards supervision, I readily agree that the whole movement will be a failure unless effective arrangements are made for this. We shall want men in sufficient numbers and of sufficient power to really work up all putwaris, teach them, and keep them up to their work, and in cases of difficulty between the putwari and zemindar, help them over it. Men of about the position of our best canoongoes in the present Subordinate Executive Service would answer. We should have to trust to these Inspectors, backed by what Collector and district officials can do to help them, to test the work of the putwaris, and see to its correctness and honesty. I do not consider that the proposals of the Collector of Bhagulpore to have an Inspector for each thana or 500 villages are extravagant. I do not know what the practice in the North-West Provinces may teach us upon this head. It is obvious, however, that for some time to come the quality of the inspecting work here will be very difficult. There the system is in full swing and the different parts of the machinery well adjusted. Here the working of the new putwari system cannot fail to be attended with much friction.

14. I do not know whether it was expected that we should propose a scheme which would free the Government from the cost of an inspecting establishment. I confess that I am unable to do this. So far as I can see, Government must pay the inspecting officers. I believe, however, that if the registration system could be extended and made popular, as it ought to be, the profits therefrom would go far to meet the expenses of this new arrangement.

APPENDIX.

Mr. St. Clair Grant, zemindar and planter, thinks that the only practical way is for Government to call upon the zemindar to furnish any papers that may be required, holding them responsible for their correctness, within reasonable limits, but accepting the returns in good faith. The village accountant and rent collector, be he called putwari or mohurir, should be the servant of the zemindar or his representative, and responsible to him for a correct return of village papers.

In discussing details Mr. Grant says:—"The village servant is not always, as is often supposed, the unprincipled agent of the zemindar. He too often plays the part of the unjust steward. But work has to be done with the people available, and faults made as few as possible by as effective supervision and checks as one can have, and circumstances will allow. This can best be exercised by the zemindar, and if Government cannot get satisfactory returns through his agency, I do not see how it is to be done by the appointment of putwaris, paid either by the zemindar or Government appointed by the Collector, and practically responsible to him alone, against whom the only remedy zemindars and ryots could have would be by formal complaints, attended probably with all the delay and inconveniences of a legal enquiry. A subordinate amlah in such a position would be a thorn in the flesh, both to zemindars and ryots, siding now with one and then with the other, as might best suit him at the time; and he would thus be the cause of endless disputes. The zemindar would find he could not work with this putwari, having no control over him, and would in addition appoint a man of his own, and let the Collector's man look after himself. At least I can see no other result."

Mr. Grant observes upon the following points in connection with the effort to get honest returns:—

(1) The measurement of the lands is a very important point, and in this, as in the appraisement and partition of crops, and in almost every other matters concerning the ryots, they are very much better represented by the principal man of their village than by any one else.

(2) All agreements between zemindars and ryots about land should be in writing, and registered as much as possible. To this end the number of registration offices should be increased and registration cheapened.

(3) Receipts for rent require to be properly given and carefully looked after. The aid of the ryots is necessary here, but is usually of small account.

Mr. Grant considers that the zemindar should pay the putwari as he practically is his servant, except as regards "farkana," which the ryots give when they get their acquittances. This is so peculiarly a custom of the country that it must be worked at, but it can hardly be legalized, as the village servant would then regard it as part of his pay and hunt for some new perquisite.

Baboo Surji Narain Singh (leading pleader, and connected with the management of large property) notices that "it is generally, but erroneously, thought that the village accountant, known as putwari in Behar, is different from the gomashta in a Bengali village. Both perform the same functions, viz. keep accounts, grant receipts and acquittances, collect rents, attend on the zemindar, and discharge other services to him In some cases where a tehsildar may also be in charge of a village, the putwari or gomashta may not generally collect rents, but these cases are few." Section XXX, Regulation XII of 1817, was not enacted for the purpose of dissevering the personal connection that subsisted between the putwari and the zemindar, or of continuing him only as an accountant and not a collector of rents. On the contrary, it imposed on him the performances of all other duties and services which it was customary from time to time to execute (clause 3, section 16), and the only public duties required of him were the keeping of registers and accounts, and their delivery to the canoongo every half-year (clauses 1 and 2, section 16)." He continues:—"Although an attempt has been made in paragraph 5 of the letter of the Government of Bengal, to the Government of India, dated the 1st June 1883, to throw doubt on the position of putwaris as private servants of the landholders, probability favours the view that they must have been employed, not only in writing accounts as public servants, but also in the collection of rent, and if there was private property in land, the putwaris, as rent collectors, must have been dependent upon, and subordinate to, the landholders. The organization of putwaris could not have undergone any material change from what it was in the palmy days of the Moghul Empire during the period of its decay. If, on the other hand, there was no private property in land belonging to any landholding class prior to the declaration of the Permanent Settlement, and the putwaris were public functionaries under the State in charge of the property of the State, the investiture of proprietary right on the zemindars in lieu of the State would subordinate the putwaris to them, and would entitle them to receive from the putwaris such services as the State in its capacity of landlord used to receive. The dual allegiance was the result, not of the zemindar's encroachment on the claims of the State, but rather of an anxiety on the part of the Legislature of 1793 to protect the interests of public revenue by providing a ready means of obtaining access to the village papers. Whether under the altered circumstances of the country, and the safeguards introduced by modern legislature for the security of the Government revenue, and other purposes for which the institution of putwaris had been imbued with a quasi-public character, it was necessary to continue the dual allegiance sketched out in the Regulations or not, may be a moot point, but the Government and its officers at any rate acquiesced in the view that the system was not required. It being admitted that the fulcrum on which the system turned was the supervising staff of canoongoes, the abolition of this staff was virtually an abandonment of it. Whatever opinion may be entertained of the wisdom of the policy of abolition of the system, it has failed to render satisfaction to both Government and landholders. The correspondence shows that the dual allegiance is detested by the present Government of Bengal, and is equally disliked by the landholding class The Government of Bengal propose to convert putwaris into a Government agency and abolish the system of dual allegiance.

The question of reform of the putwari law can be viewed from three aspects. *First*, the maintenance of the system of dual allegiance as sketched out in Regulation XII of 1817; *secondly*, the conversion of putwaris into Government servants, pure and simple; *thirdly*, abolition of the system of putwaris, and imposing on the landholders in actual possession of the village the obligation of delivering the papers referred to in Regulation XII of 1817. The present Government of Bengal is not in favour of the system enacted in Regulation XII of 1817. There are obvious reasons for its condemnation. A servant of two parties, whose interests are not identical, can please neither. If the putwari should serve the landholder faithfully and diligently, he could not perform the additional duties which Government wish to impose on him. He may be required by the revenue authorities at a time when his presence is indispensable in the village for measurement or collection. If it be proposed to convert the putwari into an agency for the ascertainment of economic facts, for agricultural research, and other administrative purposes, he can hardly have time to serve the zemindar. It would in that case be inequitable to make the zemindar pay for services rendered to Government. If, however, the public functions of the putwari be restricted to those mentioned in clauses 2 and 3 of section 16 of Regulation XII of 1817, even then the system of dual allegiance is unsatisfactory. If the putwari be sub-servant to the zemindar, his utility as a public servant would be impaired; and if he should think of playing the rôle of a petty tyrant over the zemindar, and side with the ryots or some of the shareholders in coparcenary villages, there would be constant friction and business would hardly go on. The putwari may be relieved of the duties of collection, attendance on the zemindar, and other work of a similar kind, and be authorised only to write papers, but this again would hardly be in accordance with old custom. The zemindar would reasonably grumble to pay for a man who would only nominally serve him, as he would be deprived of the services which are now rendered to him. Moreover, if the zemindar should be forced to employ other agency for his own business, the putwari would not have the requisite knowledge which an agent discharging current duties possesses. He would have to depend on the zemindar's agent, or on the statement of ryots for his facts and figures, and would be a compiler of accounts from materials received from others. The value of papers prepared under such circumstances cannot be much. The objection taken in the letter of the Government of Bengal to the Board, No. 3355—1762L.R., dated the 15th December 1880, which runs as follows:—"On the other hand to make him a Government servant and yet insist on his keeping the rent accounts would, now that the revenue is permanently settled, amount to a direct interference between landlord and tenant—" would *pro tanto* apply.

The next plan is to convert putwaris into a Government agency. The first point for consideration is the source from which the cost is to be met. The Famine Commission suggest that the cost might be met by a rate on land. But this suggestion is not reasonable. If for administrative purposes a Government agency is considered desirable to establish, the money ought to come from the general revenues. Besides, the zemindars would have to employ their own men and to pay their own putwaris or gomashtas, or mohurirs, as they did before. It is not just to charge them with additional liability. The objection taken in the extract from the letter of the Government of Bengal, quoted in paragraph 5 of this memorandum, would fully apply to rent accounts kept by such a putwari, and as he would have no hand in the management of the village, he would really be a compiler of accounts from papers supplied by the zemindar's agent; and as his pay would be very small, he could hardly be above the reach of temptation. It would be far better, under such circumstances, instead of having an agency of Government of men of the standing of putwaris, to employ a better class of men with much higher salary, called agricultural inspectors, or by any other name, whose duty it should be to receive papers furnished by the landholders in a prescribed form, check them, and ascertain economic and agricultural facts under the proposed Director of Agriculture. If in each sub-division four or five such persons, on a salary not exceeding Rs. 100 each, are appointed, the objections that apply to the employment of low paid putwaris would be obviated.

7. The third proposal has to a certain extent been anticipated in the discussion of the second one. After the preparation of the record of rights and the making of the field survey, changes that may occur subsequently would have to be noted. The zemindar may be required to furnish the requisite information, and the agricultural inspectors or supervisors may incorporate them in their records. If, however, information on other matters, which it may not be reasonable to call for from the landholder in actual possession, be required, the inspectional agency can procure it The only advantage which the agency of putwaris would have over the system described here is the possession of a very large number of low paid men who could know to read and write, and who would be attached to each village or a group of villages, while the inspectors would have jurisdiction over large areas. But this advantage is not of much importance, as the local boards and local unions inaugurated under the system of Local Self-Government would be available to the inspectional agency for the collection of statistics which the Director of Agriculture may be in need of.

The proposal is this: let the putwari law and system be abolished, and let it be made obligatory on the landholder in actual possession of a village to furnish information himself or through his mofussil agents in a specified form of facts relevant to the maintenance of the record of rights and the field survey and village register. The obligation should attach only on the party in actual possession, whoever he may be For the compilation of records inspectors should be appointed, and they could be employed for statistical purposes, the local boards and unions being responsible for the supply of such information relating to agriculture

and economy as would be foreign to the province of the landholder to furnish. By this system the Government would only pay for the inspectional agency, whereas if putwaris be also appointed the cost to the State would be very large.

THE Collector of Bhagulpore, in his No. 2121G of 14th March 1884, reports as the result of enquiries made by him during his cold-weather tour that great diversity exists in practice in his district as regards the number of putwaris employed in separate mouzahs or in groups of mouzahs; as regards the nature and amount of remuneration given to putwaris; as also as regards the realization from cultivators of such remuneration.

He sums up by observing that in all cases the putwaris look on themselves as servants of the zemindar, owing allegiance to them alone. He adds—"As a rule there are putwaris and naib putwaris in every mouzah, excepting those very small mouzahs the Government revenue of which is less than Rs. 10 per annum, and which belong to one or more petty zemindars, who have no interest in other mouzahs. Of such small mouzahs there is a large number (1,939) in this district."

Upon the subject of remuneration of putwaris the Collector observes :—

I have found that in some estates the putwari gets what is called the "huq putwari" and nothing else. This huq is sometimes collected from ryots at the rate of one anna in the rupee, and sometimes at the rate of half an anna in the rupee. In other estates on huq putwari is collected, but in lieu of it the putwari is allowed to collect "*faruckana*" at the rate of half an anna or one anna in the rupee, and where tehsildars are employed, in addition to putwaris, the faruckana is divided between them. In some estates this "faruckana" or "huq putwari" is supplemented by small monthly salaries varying from Rs. 3 to Rs. 10 a month. In other estates no "huq" is collected, and putwaris are paid by the zemindars, either by monthly salaries or by commission on rents collected by them. This commission varies from Rs. 3-2 to Rs. 10 per cent. When, however, the commission is as much as Rs. 10 per cent., the putwari has to pay the peons he employed and to meet *all* the costs of collection. In almost all cases, however, the putwari gets something from the ryots: some deny this, others admit it. They say that they have no means of recovery of "huq" or "faruckana" or any other remuneration from the ryots should the latter refuse to give anything, but where the putwaris are employed on fixed salaries or on commission, they can recover their dues from the Small Cause Court *from their zemindars*. The zemindars, however, cannot recover from their ryots *by any legal means*. Section XX, Regulation XII of 1817, does not appear to have been acted on in this district except in a few cases before the Rent Law of 1859 Lwas passed, and in those cases the orders passed were for recovery *from the zemindars*. At the same time there is not the least doubt that remuneration for the putwari is collected from the ryots either by the putwari himself or by the zemindar in the shape of "huq" or "faruckana" in nearly every estate.

Upon the proposal made in the Government letter that the putwaris should be re-formed into a Government agency, independent of the zemindars, to be rendered efficient under a proper system of inspection, Mr. D'Oyly continues :—

"To secure such an agency it is absolutely necessary :—

"1*st*.—That there should not be more than one putwari in each village, and there should be one in each village, or for each group of two or more small villages. The number of villages in each group to be determined by the Collector.

"2*ndly*.—That the putwari should have sufficient legal facilities for the prompt recovery of their dues.

"3*rdly*.—That there should be a sufficient strong staff of inspectors to secure accuracy in the returns which the putwaris may be called on to submit."

Only Government putwaris holding sunuds from Collector should be allowed to collect putwari cess.

6. As regards the first of these points, it should be enacted that no person shall be entitled to collect "*huq putwaris*" or any other unauthorized cess from the ryots except the putwari duly appointed by the Collector under a sunud bearing his seal and signature; that any other person appointed by the zemindar or farmer or tenureholder, either as a putwari or tehsildar, shall be liable to prosecution for exacting any unauthorized cess from the ryots; that zemindars, farmers and tenureholders shall not be entitled to recover any portion of the cost of collection or management from the ryots.

Putwari cess to be legalized if exaction of illegal cesses can be successfully stopped.

7. As regards the second point, I think that the collection of remuneration by *Government* putwaris from the ryots might be legalized. The custom of paying such remuneration is as old as any custom that prevails in the country, and it was recognized by the putwari law—Regulation XII of 1817. This will not press heavily on ryots if *we can manage to prevent the exaction of the numerous illegal cesses which the zemindars* and their *underlings exact in nearly every part of the country*. If the ryots could be freed from such illegal exaction, there would be little or no grumbling. But unless such exactions can be successfully put a stop to, I would strongly oppose the imposition of the putwari cess. At the same time unless Government are prepared to pay from Imperial or Provincial funds for the agency proposed, I see no other way of making the putwaris independent of the zemindars. With all the decisions that have been passed about illegal cesses, the zemindars still do manage to get their ryots pay a large number.

of such cesses. It has been ruled that " every contract made for or about any matter or thing which is prohibited and made unlawful by Statute is a void contract ; " and again, " nor can a landlord obtain payment of any cess, although previously he had obtained a decree compelling the defendant to pay an illegal cess ;" again, " nor will payment of an illegal cess for a number of years legalize it, or enable the landlord to claim it as a lawful demand and as rent." Still illegal cesses *are* collected, in addition to rents, which in some cases are very high. If we can successfully put a stop to khyati, gilandazi, khurcha, faruckana, hissabana, mahtoot, poolbandi, and the numerous other kinds of illegal exactions, then by all means legalize the " huq putwari " by whatever name it may be called. It may be that if putwaris are made altogether independent of zemindars, they, the putwaris, may, to secure their own " huq " payable to them as Government servants, teach the ignorant ryots that the zemindars cannot legally take any unauthorized cess from them ; and as the number of courts of law increase, the facilities for complaining against injustice will increase, and the power of hard zemindars and farmers to oppress will decrease. If we want to impose, or rather to legalize a justifiable cess, we must protect the ryots against an unjustifiable cess. The mere enactment that illegal cesses cannot be exacted has not proved to be sufficient hitherto. With the new rent law it is to be hoped a greater amount of security against oppression will be effected.

Appointment of canoongoes or inspector of village accounts.

8. As regards the third point, the number of inspectors to be appointed, this will depend on the amount of money that Government is willing to devote for this purpose. The number *requisite* in this district, in my opinion, would be 12, or one for *each thana* I would point out here that the pergunnahs are so unequal in size, and so much intermixed in many cases, that it would be far more satisfactory to adopt the *thana* areas in allotting beats to the canoongoes or inspectors. There are 12 thanas in this district, and the *average* number of villages in each is about 500. It will be seen that if close supervision is to be expected, a canoongoe or inspector for each thana would have quite as much as he could do if 500 villages were placed under him. He could *not*, even with this number, closely supervise *all* the villages in his elaka within the year, even if we count on 300 working days in the year. The cost of 12 inspectors, at Rs. 40 per mensem, the smallest sum for which reliable men could be got, would come to Rs. 5,760 per annum. This would necessarily have to be paid by the estate. Regulation VIII of 1793, section 34, prescribed that the allowances of the canzies and canoongoes, heretofore paid by the landholders, as well as any public pensions hitherto paid through the landholders, are to be added to the amount of the jummu, and in future paid by the collector of revenue of the severals zillahs on the part of Government.

THE Collector of Purneah, in his No. 1345G, dated 10th—12th March 1884, after noticing the share he had in introducing the putwari system in Chumparun, and the failure that resulted after the appointments had been completed (*vide* Mr. Commissioner Halliday's letter of 4th May 1880, printed with the correspondence), continues :—

The state of permanently-settled Bengal, of course, differs very much from that of the other provinces of India, of which I am only acquainted with Madras. There the village Magistrate and the village Munsifs rule the village and keep the accounts of Government with each ryot, because it is necessary to do so as they also collect the revenue. They and a large establishment, which includes even coolies, are paid by service tenures. We have in Bengal nothing of the kind, because it is not required, and, in my opinion, if we want statistics, we should pay for their collection, and only collect what we want, and not the accounts of the zemindars, with which we have no direct concern. The ryots and Government also require some independent (or as much independent as possible under the circumstances) agency to see that the collection of the Government land tax is not abused. This also to be independent at all must be paid for. Is it possible to combine the two requirements ? I think it is twenty-one years ago when I was first introduced in Tirhoot to rent suits under Act X, 1859. What I most desired was a responsible officer in each village or group of villages to register such acts and deeds as receipts of rent, agreements, rent-rolls, &c., &c That such an officer might be appointed is quite possible, but how to keep touch with the present machinery of the zemindars and the village communities is the difficulty. I would retain the name and the present status to some extent of the putwari of the period, re-impose some of the old responsibilities, but deny him any of his recent faculties, such as collection of rent. In addition, and as his principal duty, I would make him registrar of agricultural documents. Those which most intimately concern by far the greatest number of the inhabitants, and those the poorest give the sanction of law by rendering his attestation necessary ; allow him, in addition to half the pay he now receives from the zemindar, a commission on all attestation and recording in the form of a percentage say six pies in the rupee on rent paid (a commission which is now paid over the length and breadth of the land under the head of " dabrir "), and I would add to the dignity of his office, and, I hope, to his integrity by conferring also on him some authority, such as the village Magistrate and Munsif hold in Madras, petty powers of imprisonment for 24 hours or fine up to one rupee ; the supervision of chowkidars and punchayets, and any other little mark of confidence that Government might be disposed to yield. I would be inclined to add the charge of the village pound. I should much prefer this arrangement to that of village unions and boards, and it would be found much easier and quicker work (which is

no slight point in dealing with numbers) to have a personal unit and not a board. To any that might object to the possibility of the putwari registrar being independent and honest, I would reply that honesty is said to exist in quarters where it would not be natural to expect it, and that the village putwari would have a character to sustain before his fellow villagers, and that villagers in their own village matters are, as a fact I believe, honest, where their proceedings extend to and concern only the villagers themselves. I would have inspectors and supervisors sufficient, and insist on the returns and registers required being kept up, and do not think there would be any difficulty in this part of the scheme, and the Government would be able to obtain the statistics that they want and improve a state of things which is not so satisfactory as it might well be. On this machinery I think might be devolved all the calls made, or to be made by Government, which have hitherto, as a matter of fact, always, both in law and practice, hitherto devolved on the chowkidar as the local sole representative of Government in the village. I would make the Inspector-General of Registration a direct subordinate of the Agricultural and Statistical Department of this Government, and place the putwari registrar *qua* registrar and statistician under that officer. Government must pay for the work by finding the salaries of all the intermediate and inspecting officers. I feel sure that the difficulties which have always been said to be in the way (like the proverbial lion) of improvement of the agriculture of Bengal are mere shams; that the ryot is both able and willing to receive and adopt to practice new and improved ideas. At the Bangalore and the Sydapet Agricultural Model Farm, I saw that the instruction offered was real, and I am not without hope that even in this backward district improvements are going on And the linking village officers, with the new Agricultural Department, through the Registration Office and registrar putwaris, would in time give the Government that grasp of the subject which it needs, and enable it to turn its knowledge and the science and art of agriculture to some use in Bengal. The above is merely a sketch, which, with great diffidence, I have the honour to submit. The subject is one of great difficulty and, even in 1884, of novelty, in spite of all that has gone before. I beg to add, I would on no account do away with putwaris.

The Collector of Maldah, in his No. 1256, dated 18th March 1884, points out that in his district there is no trace of the putwari system left, and the landholders have long ceased to contribute anything towards the maintenance of such an agency. He thinks that the opposition of the landowners against any attempt to revive the system will therefore be very great, and the difficulties will be greater still if the old law is repealed and the revival of the system attempted under a new and materially altered law. He thinks it would be a wiser policy to first appoint putwaris in every village or group of villages under the existing law and rules, and seek for improvement in the arrangements afterwards. Mr. Porch considers the appointment of inspecting supervisors necessary as advocated by the Famine Commission, and proposes a canoongoe for each district or sub-division where such exist. He can offer no suggestion as to where the funds for paying such inspectors are to come from, "unless from the holders of permanent settlements, who have gradually evaded all the duties and responsibilities of their position, while they levy every kind of impost from their tenantry, as though they were absolute sovereigns."

Mr. H. Reily, Manager of Chanchal, traces the history of the putwari system. He remarks that under the old system, where the canoongoe was the agent of Government, the putwari was his subordinate and bore to the village gomashta the same relation that his master bore to the zemindar. After the change brought about by the Permanent Settlement, the necessity for these establishments ceased, and they died out in Bengal Proper. The remnant that was still left in Behar may be accounted for by the fact that almost the entire area of Behar was the property of four or five princely houses, and being too large and scattered for direct management from time immemorial, these estates had been parcelled out in farms or short leases. These zemindars found it useful to retain an officer to enable him to calculate the increased demand to be levied from the farmer at the end of his lease; hence the putwaries, being residents of the villages in which they were employed, remained in them and bore their old title, but sank into the position of mere zemindars' agents. Mr. Reily thinks the present attempt to resuscitate the system will prove as unsuccessful as others have done. He says the first difficulty to be encountered will be to ascertain the actual rent demand. In the districts he knows—Dinagepore, Purneah, and Maldah—he can state without hesitation that three-fourths of the tenants pay abwabs or cesses in addition to the recorded rental. He asks if it is intended that the putwari should show these cesses as a demand in his papers. Government would probably not allow this to be done, in which case Mr. Reily thinks the ryots would promptly refuse to pay the cesses, and the zemindar would be compelled to bring enhancement suits in large numbers, and excite irritation and discontent amongst the ryots—a greater evil than the cesses which are at present levied. Another difficulty pointed out is how payments are to be credited. The custom is to place no payment to credit of current demand until the entire arrear demand is paid up. The putwari would be dependent upon the zemindar for information to enable him to fill up his papers, and in many cases be rendered only to the more capable, for his character as a public officer of being made the tool of oppression and fraud on the ryots.

Mr. Reily closes with observing that the information that it is sought to obtain by establishing putwaris all over the country at enormous expense is now in the hands of Government in the shape of the road cess returns, which, if sorted and tested in some few cases to ensure accuracy, would be invaluable information with regard to the prevailing rates, &c., in each district to enable Government to ascertain the size of the holdings everywhere.

Mr. Reily dwells upon the advantages that would be gained if, as part of the new rent law, the Government would insist upon zemindars to grant receipts for rents in a form similar to one he sends up, which is in use in Chanchal and works well. It contains all kinds of details about land, rates, and payments. He says such a system would "do more for the actual cultivators of the soil than a dozen rent laws."

W I.eB —Reg No 10038C— 100—16 12-84

No. 1173R, dated Bankipore, the 2nd January 1885.

From—F. M. HALLIDAY, Esq., Commissioner of the Patna Division,

To—The Secretary to the Board of Revenue, Lower Provinces.

WITH reference to your letter No. 1170A, dated 28th November 1883, on the subject of a reform of the putwari law, and the preparation and maintenance of village records generally, I have the honour to submit the following report.

2. Before expressing my own views on this important subject, it is necessary to lay before the Board in some detail the opinions and recommendations received from Collectors of districts and such non-official gentlemen, European or Native, as I thought fit to consult.

3. The district reports reached me at irregular intervals, the last having arrived only on the 17th December 1884.

4. Mr. Vowell, the Collector of Patna, reports as follows:—"The reform of putwaries should commence by making them Government servants. Our object is to secure in them impartial accountants, and place them beyond village influences. If they remain dependent on the zemindars for their pay, the balance is immediately depressed. For the same reason, they should have nothing whatever to do with the collection of rents.

"Zemindars should be called on to make over to putwaries copies of their jummabundis. These should be examined in the villages by an officer not below the rank of a Sub-Deputy Collector and objections heard. If they cannot be settled by a punchayet, the items should be entered as under objection. Where the objections appeared numerous, a Government survey might be ordered, and the cost detailed either to the malik or ryots, or divided between them according to circumstances. From these jummabundis, where the collections are in cash, the putwari is to prepare bills in triplicate—one for record in his own office, one to be presented to the ryot, and one to be kept by the malik. The malik's own servants are to realize the money and give the receipts, which should be valid acquittances only when signed by the putwari as entered in his books. Where the collections are in kind, the putwari should write out the danabundi, and have it signed by the amin, the salis and jeth ryots; if batai is the practice, the division of grains should be made in the putwari's presence and be recorded by him and countersigned by the jeth ryots.

"As further means of maintaining the impartiality of the putwari. Mr. Vowell would suggest that all the records kept by him should be filed at central offices at the earliest possible date, with the view of preventing any alteration, and that every effort should be made to keep him from appearing as a witness in the Civil and Criminal Courts. As cash payments would not be made in his presence, his evidence would be of little value, and the bhowli payments could be as well proved by the other persons who were present at the transaction and witnessed the putwari's signature to the account.

"A supervising staff of Sub-Deputy Collectors would certainly be necessary. They and the putwaries should be paid for partly by the landowners and partly by the tenants, as it appears to be still the general customs of the district that the two interests should combine for the purpose, while the ryots, if anything, are the persons likely to be most benefited."

5. Mr. Nolan, the Collector of Shahabad, writes:—"The putwari system is now fully established in this district, as I believe in Behar generally. That system I take to consist in the maintenance of a staff of village accountants owing a double allegiance to Government and to the zemindars, and performing two kinds of work—the preparation of the accounts required by the former, and the collection of the rent due to the latter. It is stated in Mr. Edgar's report No. 1113B, dated 7th September 1880, that putwaries do not collect rent in Shahabad, but that assertion is evidently founded on a mistake. Here, as elsewhere, the putwaries are the zemindar's agents in collection, and are paid by a commission on the amount collected. In this respect they do exactly the same work as the gomashtas in Bengal. For Government they do whatever work connected with accounts is needed, without the slightest consideration whether the task is or is not prescribed by law. It is they who do the drudgery of the work in the assessment and collection of canal revenue and of chowkidari tax, and who took the census as enumerators."

"Proposals have been repeatedly made to dissolve this connection either by making the putwaries exclusively the servants of the zemindars, or treating them as officials only. I agree with Mr. Dampier in the opinion expressed in paragraph 21 of his letter No. 712, dated 21st October 1880, that the institution should be left on its existing mixed basis. The ryots would be highly aggrieved if the putwaries were declared to be dependent solely on the zemindars, and I think with reason. It has been said that the zemindars pay the putwaries, but this is altogether a mistake, at least as far as Shahabad is concerned. The putwaries are paid exclusively by the ryots, who give a commission of half anna in the rupee rent, and the zemindar contributes nothing. The putwaries are most useful officials, keeping accounts, collecting canal dues and chowkidari tax, and helping in many ways. I would just as soon hand over the chowkidars, the police, or any other public service for the exclusive benefit of a class, as thus abandon the claim of the Government to the services of the putwaries. On the other hand, there would be a great waste of power if the putwaries were forbidden to collect the rent of the village. The putwaries is the best paid man in the village, and it is not right that he should draw his salary without giving an adequate return. The mere keeping of statistical accounts, apart from the collection of rent, would not

employ him half an hour a day, and it is unfair that he should get for such trifling service double the wages of a labourer who works all day. In no part of the world does every village maintain an official for the mere purpose of compiling statistics, and India, the poorest of countries under a civilised Government, cannot afford administrative luxuries unknown in the richest. It seems to me that, having trebled the pay of the village chowkidars, and appointed in every village a punchayet who get an allowance for collection expenses, we have gone quite far enough in burdening the country with a swarm of petty officials. As long as the putwari does necessary work, such as the collection of rent, he has a justification for his existence. But if he is merely to do in Behar what is not done at all in Bengal, and in any prosperous countries, the question will arise, can a district such as Shahabad properly maintain as many as 7,000 officials merely to collect agricultural statistics?

"If the putwari is to be maintained on his present footing as the agent both of the zemindar and of Government, it is necessary to settle what works he should be required to do for each. The present law does not define his duty towards the zemindar, or even say that he has any; but it lays down that he must perform all duties and services which it has been customary for a putwari to perform. It might be sufficient to state that the putwari should render to the zemindar all customary services in connection with the realization of rent, the measurement of land, and the partition of crops under the bhaoli system."

As to the putwari's duty to Government, Mr. Nolan considers that it is necessary to pay special attention to the machinery for enforcing the discharge of the duties imposed on putwaries, and with reference to this, he draws attention to the maxim laid down in section 3, Regulation XII of 1817, that there shall be one putwari, and no more, to each village. This is repeated in the Board's rules on the subject, and the Collector believes it to be the key to the position. Where there is a single putwari for each village, he has a public character, and feels his responsibility to his fellow villagers and to Government. But if separate shareholders of joint estates, or even owners of fraction of villages, are allowed to appoint their peculiar putwaries, or if large groups of villages are made, each group under a number of putwaries, those who should be village accountants become simply the servants of private masters. This rule was broken through by a letter from the Commissioner of Patna, No. 10R, dated 9th April 1877, which is at present the authoritative guide on the subject, and is in conformity with the rulings of the Board. Sir Stewart Bayley, after consulting the Board, laid down that, where villages held in joint property were large, and the interests of the minor shareholders required it, each owner should be allowed to nominate a putwari, and from among these the Collector should select one as head putwari, and one or more as assistants. Also that, when a village had been split up by butwara into several estates, a separate putwari should be appointed for each estate. These instructions appear to Mr. Nolan inconsistent with the regulation and the Board's rules, and altogether inconsistent with the preservation of the position of the putwari as village accountant. If the office is a public one, it is unwise to allow every owner of a fractional share in an undivided village, or of a part of a village in which there are many owners, to have his own private putwari. In every village Mr. Nolan would have only one putwari, unless there be a village so large that a single putwari with such clerical assistance as he may legitimately take from his family can do the work. In such cases Mr. Nolan would, as prescribed by the regulation, allow an assistant putwari only with the previous consent of the Board.

It appears obviously necessary to give to the Collector the power of fining putwaries for neglect of duty; at present the rules laid down by the Board have no suitable sanction. The Collector may dismiss a putwari, but this is not a proper punishment for any offence except the most aggravated. The hereditary character of the office, and the fact that the zemindar often supports a dismissed putwari, render the only legal punishment peculiarly inconvenient. The successor, if a stranger to the old putwari family, and opposed by the zemindar, can hardly discharge his duties.

The nature of the intermediate agency to be appointed will depend upon whether it is resolved to compel putwaries to keep the rent accounts in any particular form. The Board of Revenue laid down certain forms, but they were never observed. Mr. Nolan is of opinion that, unless a cadastral survey with a complete record of rights is made, it is useless to prescribe forms of accounts.

There is nothing definite from which to start them. Unless and until such a survey has been made, Mr. Nolan thinks a canoongo for each sub-division sufficient for the supervision of putwaries. In Shahabad the officer appointed to manage Government estates should control the putwaries in Government estates.

As to the expense of a reform in the putwari system, Mr. Nolan does not think that it need be large.

The Collector forwards for perusal and return the reports of the Sub-Divisional Officers of Sasseram and Buxar, who have had considerable experience in the work of reorganising the putwari system. Mr. Caspersz's proposal to raise the commission of the putwaries from half anna to one anna in the rupee does not commend itself to the Collector's judgment. The putwaries are very well paid at present, getting about Rs. 6 a month for work which scarcely interferes with their cultivation. Besides, they highly value their posts, as is evident from the way in which they contest the right of succession. The Maharajah of Doomraon writes as follows:—

The position of the putwari is perfectly anomalous under the present law. The Behar Rent Committee, in the 4th paragraph of their report say: "We are of opinion that the putwari

should be made either a *bonâ fide* public servant paid by the State, a village record-keeper and nothing more, or that he should be made entirely a zemindary servant liable to dismissal at the pleasure of his master, the landholder. The present system under which the putwari is nominally a public servant, but is in reality the zemindar's paid servant, we are unanimous in condemning." The Maharajah submits that, in the present attempt to revise the Putwari law, this recommendation should not be lost sight of. The duties discharged by the putwari cannot be fulfilled by a functionary who is merely an officer of Government, or by one who is merely an agent of the zemindar The authors of the regulation saw clearly the value of a link of this kind between officials and landholders, and they wisely determined that the putwari should be nominated by the zemindars, but appointed by the Collector. The importance which they attached to the compilation of village accounts has been much diminished by the altered condition of land tenure, but this view of the proper status of the putwari is as true in 1880 as it was in 1817. With reference to the duties in which the agency of putwari appear to the Board to be specially valuable (paragraph 20 of their letter to Government), the Maharajah points out that the putwari happens oftener to be an inhabitant of a distant village than a resident of a village where he holds his office, wanting in sympathy with all about him; even the ryots do not admit that he is more respectable than they, and whatever advantage he has over his fellows as a lettered man, he always abuses this to the detriment of the ryots or the landholders A link between officials and landholders may perhaps be wanting in Bengal and Behar, but it is not true statesmanship to expect an under-paid underling like a putwari to supply that link. Even the Famine Commission, while they recommend the creation of village accounts, condemn the present putwari system. The Maharajah says that it is a policy of very doubtful utility to attempt to introduce a more active administration, with the putwaries as the local units of such administration. As for the other duties, while retaining the putwari in his present footing, stripped though he is intended to be of his main duty under the regulation, and some would vest him with under a revised putwari law, it will be found after all that he will be as incompetent to perform them, as he is now found incompetent to perform his primary duty under the regulation. If, then, a link is really wanted between the officials and landholders, let the people themselves supply the link. In time, under the Local Self-Government Act, the whole of the territories under the Lieutenant-Governor of Bengal will come, it is hoped, to be thickly strewn with Union Committees, and it would be better if these Committees were utilized for the purpose.

Much importance is attached to the preparation of the village records, but this involves (1) survey and record of rights, (2) the determination of all disputed rights in the village, (3) the preservation of such records, and (4) the registration of all mutations after the preparation of such record. The determination of disputed rights requires intelligent sifting of evidence and attaching due weight to such evidence. Perhaps no officer below the rank of a Deputy Collector or a Munsif will satisfy the requirements of the case.

The Maharajah then goes on to deprecate the proposal regarding the record of rights, and asks who will bear the tremendous cost which the requisite survey and record of rights will entail. He says that the burden will fall on the zemindars and ryots, and the advantages they will reap will not be at all commensurate to the expense, anxiety, and trouble entailed. Then, again, the Maharajah adds, the very preservation of the records themselves will necessitate the construction of costly buildings and the permanent entertainment of an honest staff of officials If it is thought that the putwari can be entrusted with the preservation of such records, the sooner the idea is given up the better.

The Maharajah has no remarks to offer with respect to the other two questions.

Messrs. Burrows, Thomson, and Mylne of Behea write as follows:—

It is very doubtful if the present generation of putwaries could, as a body, be made competent to perform scientific duties, such as, in these papers, it is proposed to require of them; but the younger candidates for the office might be required to qualify themselves, and so gradually the desired improvement would be brought about. But with reference to Shahabad, the above gentlemen feel sure that any immediate change, the success and utility of which would depend on the proper performance of such duties by the men who are now acting as putwaries in the district, would be doomed to failure.

The putwaries of Shahabad are much more the servants and partizans of their brother-cultivators and rent-payers than they are of either the zemindar or Government: for they are, as a rule, not only themselves cultivators, but in all their relationships, interests, and surroundings are identified with the cultivating classes. Messrs. Burrows, Thomson, and Mylne then go on to describe the position and qualification of the putwaries at present available in the district of Shahabad for such duties as it may be desired to impose upon them. They then remark that to secure accurate and reliable returns, or good, conscientious work in any direction from men who have been trained in such a school, will be a task of great difficulty, and will take time; but it is none the less desirable that a beginning should be made, and one of the first conditions necessary appears to them to be effectual supervision. A task so considerable as the thorough supervision of the great body of putwaries could not, it is believed, be satisfactorily accomplished without the appointment for some time of a competent officer. It is suggested in the papers that the failure of some former efforts in this direction was owing mainly to the fact that the putwaries were not entirely Government servants; but it will be found that the absence of organization and effective supervision has been a much more important factor. To convert them into Government servants would be to deprive the cultivators of an integral portion of their social organization.

To regard the putwari now as the servant of Government to the exclusion of the zemindar, and still more of the ryot, would be to revolutionise the whole of the village and zemindari arrangements in Shahabad. Messrs. Burrows and Co. do not believe that Government would be any better informed by changing the status of the patwaries in this direction; but they would certainly be so if their position be improved by gradually entrusting them with higher duties, and securing them higner pay in proportion to their efficiency and faithfulness. With regard to the arrangements needful, it seems that for Shahabad it would be advisable to appoint a canoongo for each pergunnah, or one for each thana. These, if necessary, might be grouped in four divisions with a superior canoongo over each.

A very desirable reform is that the charge of a putwari should in all cases be of such size and importance as will, without peculation or cheating, yield a decent maintenance for a man occupying such a position, and it is desirable these men should take in the community, *i.e.*, that the yearly fees or monthly pay should be not less than Rs. 10 or 12 per month, so that, if the putwari is still to be paid by a percentage of six pie per rupee on the collection, the charge should be such that the average collections will be not less than Rs. 4,000 (and the maximum charge for a single putwari might be fixed at an average of Rs. 7,000, yielding Rs. 18 a month). It is known that a competent man can in some cases do well the work of a single village or group of villages yielding this latter sum.

With reference to the proposed new rules, pages 31-32 of the papers, it will be found that there are very few of the putwaries at present holding the office in Shahabad, who could make any proper survey or a measurement of land.

Form 1, *column* (*or heading*) 4.—Messrs. Burrows & Co. are of opinion that no such heading should be inserted in a form which is to be filled up by a putwari or any such man. It appears very undesirable and unsafe to encourage men in such a position to make entries and returns which involve the exercise of judicial discrimination and impartiality, and this is far more objectionable in the interest of the small ryot than of the zemindar; for where the latter is wealthy and unscrupulous, and the ryot weak and ignorant, the zemindar would have no difficulty in securing an advantage in any case in which the putwari had no personal interest.

Messrs. Burrows and Co. in conclusion quote the words of Mr. Edgar (pages 13-14 of the papers):—"The institution is full of life, and in spite of all its present drawbacks is very useful. I am convinced that it is possible to make great improvements in it if we are content to work slowly, doing a little at one time, but fear that we shall do much mischief if we attempt radical changes at once."

6. Mr. Norman, Collector of Mozufferpore, writes as follows:—

"*First.*—With regard to the proposed field survey (which would doubtless include the question of the demarcation of khamar lands). I of course strongly advocate the proposal. The cost should, in my opinion, be borne by the zemindars of Behar, whose profits from the land have increased so enormously since the Permanent Settlement that they can very well afford the expense.

"*Secondly.*—As to the preparation of a record of rights. I presume that this would be the work of a settlement party specially deputed for the purpose, and working in connection with the survey party, the cost being found in the same way.

"*Thirdly.*—As to the maintenance of the record of rights, and as to the revival of putwari staff. I recommend that a district staff of putwaries and canoongoes should be organised on the same lines as in other parts of India. Under proper regulations for securing competent nominees, the zemindar or zemindars of each village should be required to nominate a putwari for the approval of the revenue authorities, by whom the scale of pay should be fixed. On the question of the relations between Behar thikadars and putwaries, I am of opinion that the thikadar, being in the position of *de facto* zemindar, should be treated precisely as a zemindar for the purposes of the new putwari legislation. The putwari should be distinctly recognized as a public servant, and his employment as a rent collector being utterly foreign to his duties must be totally prohibited. The zemindar should pay the putwari, who should also have access to the zemindar or his office, and should be declared entitled to obtain from him such information as might be required by the law. The putwari should keep proper registers and accounts, which, when abstracted by the canoongo would be sent to the Collectorate. At the same time, I am inclined to advise the abolition of the obsolete and inconvenient rule requiring the putwari's signature on all receipts for rent The district would be parcelled out into canoongo's circles or chaklas, each canoongo acting as the inspector of all putwaries in his circle."

7. Mr. Price, Collector of Durbhunga, says that the question of making any improvement in the Putwari law falls under the following three heads:—(1) Constitution. (2) Nature of duties. (3) Remuneration. At present the putwaries are nominated by the zemindars and appointed by the Collector. The zemindars are responsible for the salary of putwaries, which, however, is not fixed by the Collector. In his district cases brought by zemindars against putwaries for neglect to perform their duties, or for imperfect performance of their duties, and on the other hand against zemindars by putwaries for depriving them of their papers, and thus virtually dismissing them for either no reason, or for bad and insufficient reason, and for non-payment of salary, are frequent, so much so that a considerable portion of the Collector's time is taken up in the settlement of these disputes, from which it cannot be said that the official derives any satisfaction. If the efficiency of the whole be judged from a consideration of the conduct of some of the putwaries, it appears that the office of

putwari is one that is beset with no inconsiderable difficulty in the performance of the duties which consist in holding the scales evenly between the zemindar and the ryots, in keeping the accounts of the latter with the necessary faithfulness and accuracy, and in so comporting himself that nothing is done which will detract from the zemindar's legitimate rights. Being paid by the zemindar, the putwari is really the zemindar's servant; but the consideration that the Collector can alone dispense with his services places the putwari very often in a position of antagonism to the zemindar. He then throws himself into the arms of the ryots. Either the zemindar or the ryots are always in need of something, the attainment of which by one party will be of doubtful advantage to the other party. If the putwari be a dishonest man, the opportunities that are at hand to enable him to effect his own aggrandisement at the expense of others are numerous. If there is an ill-feeling between the ryots and the zemindars, he generally does everything to accentuate it and bring it into prominence. If, as in Durbhunga, there are many shareholders among the zemindars of a village, the difficulties of the putwari's position are still further enhanced. He has to please all: it is very rarely he succeeds in satisfying anyone. When the zemindars, as they do very often, employ the putwari in the collection of rents, his power and influence for good or ill are almost illimitable. Where the putwaries are insisted upon by the Collector to produce their papers before him, it is an invariable practice for them on these occasions to have recourse to the zemindar, who objects, saying that it is his usual time for taking the jummabundi from the putwaries, or for taking the account of the collection of rents from them. and if the putwaries are obliged to attend the Collector, their work will suffer. The Collector is of opinion that if the putwari is to be made useful at all, if he is to be a reasonably honest and good village accountant, his connection with, and subordination to, the zemindar must be put an end to; he must for the future become a Government servant, accountable only to the Collector for the due performance of his duties. Let the putwari be a Government servant pure and simple, paid monthly or periodically by the Collector. Government need not be put to any extra expense by this arrangement. The zemindar is bound to pay the putwari's salary; let a cess, to be styled the putwari cess, be at regular intervals levied from the zemindar in the same way as the road cess or the zemindari dâk cess is realized. It is a legal contribution, to which under the law all the zemindars, at any rate in Behar, are liable. It is only in this way that the putwari can be made a useful village functionary, not liable to be led astray from the path of his duty either by the inducement held out by the zemindars, or, on other hand, by the combined influence of the ryots, whose accounts he is supposed to keep. At first start it would be difficult to decide what is to become of the existing body of putwaries, for vested interests will have to be respected; but the Collector recommends that within a given time every existing putwari should be called upon to pass an examination, failing which he would without hesitation put in really qualified men to fill the places of those who are found incompetent. Having secured an efficient body of putwaries, it will be absolutely necessary, if they are to be kept together and made useful, to exercise the strictest supervision over them. For this purpose a canoongo will have to be appointed for every batch of 25 to 30 putwaries. The canoongo will have to be paid a salary considerably in excess of what is given to the putwaries. Government will have to bear this cost; for it is doubtful whether the zemindars can be made liable for any other payment than that of putwaries' salary. The canoongo's allowances that were formerly paid by the landholders were, by section 34 of Regulation VIII of 1793, added to the land revenue now paid by the proprietors. The canoongo cannot be considered a putwari: he will be entertained simply to see that the putwaries attend to their duties and keep their papers.

As to the second point, namely the duties that should be rendered obligatory on putwaries, Mr. Price writes that in Durbhanga it has never been the custom for putwaries to keep the registers prescribed by the revenue authorities, nor have putwaries at any time been called upon to file their papers in the Collector's office, where under no circumstances would there be room for them. The putwaries do keep papers, but this they do after their own fashion. The Collector proposes that putwaries be made to keep two of the registers already prescribed; the register of pottahs is useless, as the detail in column 4 of Register No. I gives all the necessary information. In Register No. I, between columns 5 and 6, there should be a column showing rate of rent. The two Registers that he proposes the putwaries should still keep up are generally approved both by zemindars and ryots. It is presumed that the survey and measurement for which the Tenancy Bill provides will enable these registers to be opened at first start with complete accuracy; without such a survey and measurement the usefulness of the putwari and of the registers he keeps will be considerably impaired. In addition to these two registers, the putwari should be called upon to keep papers which will supply all the necessary information in respect of agricultural and other statistics. Forms of registers should be prescribed, which would give information in respect of (1) the number of all kinds of cattle, horses, elephants, camels, cows, bullocks, buffaloes, calves, sheep, goats, asses, &c.; (2 ploughs; (3) carts; (4) estimated stock of grains in the village (paddy, rice, wheat, &c.), and so on. The putwari should also keep a mortuary register.

In respect of remuneration, Mr. Price writes as follows:—"I do not see how a putwari, if he is to do his work at all well, can be paid less than Rs. 10 a month. He should be assigned such an area as gives the zemindar a rental of Rs. 8,000. The information required on this point could be obtained from the road cess valuation records. I doubt whether we could call upon the zemindars to produce their rent-rolls. The incidence of his salary will be 1-8 per cent. on this rental. I consider the number of

existing putwaries to be unnecessarily large in this district, and would reduce them. The canoongo would be amply remunerated by a salary varying from Rs. 75 to 100 a month. It has been urged that he should have a pucca office for the storage of the putwari records. I do not think he should have any office or establishment at all. He should be a peripetatic officer, constantly moving about and examining the work of the putwaries under him. He should have about 30 putwaries subordinate to him, whose services he might utilize whenever he needed them for the ordinary work of a mohurir. The putwaries should keep their own records. No copies of them are necessary. Both putwaries and canoongoes should have a knowledge of surveying—the latter a thorough knowledge—and they should not be new men foisted on a village, the circumstances of which they do not understand, and with the people of which they have no previous acquaintance. They should be men resident within the area entrusted to them, or at any rate contiguous to it. It will be found that where it is known that foreigners will not be accepted, local residents will soon qualify themselves for the office, in case existing putwaries are found inefficient."

Colonel Money, Manager of Raj Durbhunga, writes that the evils of the present system have been so fully pointed out that it is needless to recapitulate them. At present the putwari is the greatest source of mischief and loss to both zemindars and ryots, and in the interest of both it is very desirable that early action be taken to do away with his anomalous position.

No scheme can be suggested under which it will be possible for a putwari to work well as the servant of two masters. If it is advisable to keep up putwaries, and keep them under proper control, it is all essential that they be declared the servant of one master, either of Government or of the zemindar. The Manager understands that it is decided that they are to be held to be Government servants, though still to be paid by the zemindar. He does not consider that this is a perfectly equitable arrangement; but if it is to be, he proposes that the zemindar be released from all obligation to make any use of putwaries, and that putwaries, while called on to do what work Government may deem advisable, should no longer give in to the Collector any village return, or to the ryots receipts for rent. Let Government decide what returns it needs for each village, and make the zemindar himself responsible for their punctual and correct submission, and leave him free to employ what agency he pleases in giving receipts to his ryots. This being done, he would receive canoongoes, and it would be their work to make necessary enquiries, and to see that the zemindars' returns are properly submitted, and no injustice done by them to ryots.

8. Mr. Lee, writing as Deputy Collector in charge of Sarun, states that on this question Government is prepared to break with the zemindars. The position to be taken up is that, under the terms of the Permanent Settlement and subsequent regulations, it has always been a duty of the zemindar to maintain a local agency to keep the Collector informed of all such events occurring on their zemindaries as are likely to affect the status of the ryots, which Government has to see upheld in accordance with the condition of the Permanent Settlement. Hitherto in Behar (with but short intermission) this duty has been nominally complied with by the appointing of putwaries approved by the Collector, who are directed to keep detailed registers of rural rights and to furnish the Collector with village accounts. The wages that zemindars have hitherto, under the Collector's arbitrament, paid putwaries direct must henceforth be paid through the Collector; for the purpose the simplest plan would seem to be to levy a putwari cess by a percentage on zemindari rent-rolls. The yield of this cess should be sufficient to meet the costs not only of the lower, but also of the higher grade putwaries in the scheme of establishment noted below.

The duties of this establishment would group themselves under two main heads—

I. Keeping up a record of rights.

II. Other duties.

These will remain always its permanent duties. But at the beginning it will have also to take part in special and important piece of work to be done once for all.

III. To assist in the operations connected with the experimental survey and the preparation of the record of right alluded to in the 2nd paragraph of the Government of India's letter of the 25th September 1883, to the Secretary of State.

The officer under whose immediate control these operations will be is to begin work at once on Government estates in Bengal. When this comparatively easy task is done, the officer is to set to work, measuring Behar field by field, and recording an accurate statement of all persons actually concerned in the cultivation of each field, showing what is their legal agricultural *status*. "This great undertaking cannot," the Government of India thinks, "be accomplished without the continuous supervision of a special department." This Department will perhaps find it convenient to deal with Behar not all at a time, but district by district. Anyhow, it will have to bring to the scene of operation its own army of surveyors, with a contingent of judicial officers of the rank of Deputy Collectors and Sub-Deputy Collectors to decide the swarms of disputes that will arise about entries in the "record of rights." But in drafting this record of rights the department will look for much assistance from the putwaries.

As for the specification of the duties to be exacted from the putwaries under this head (III), Mr. Lee thinks that it must be left to the Director of the Department to detail them.

Turning then to the permanent duties under head I, they should keep up separately Registers Nos. 1 and 2 in the forms given by the Board. The latter should be supplied

regularly once a year to the Collectorate, or the head local office of the new department, where will be lodged a complete copy of the original "record of rights." To enable the putwari to keep up these registers correctly, it will be necessary to render all mutations invalid that are not reported to the putwari (within, say, a month of their occurrence) by one or other of the contracting parties, and perhaps it would be punishable by fine to neglect to report a mutation to the putwari.

As regard the putwaries' "other duties," besides keeping up the record of rights, they should in all districts—

(*a*) measure annually the holding of ryots;
(*b*) give receipts for payment of rent made in their presence;
(*c*) make an estimate of the produce of lands held bhaoli;
(*d*) attend on public officers when engaged in local enquiries;
(*e*) serve such processes or orders issued by public officers to zemindars as the Collector thinks fit;
(*f*) do any work the Collector may appoint them to do under the Irrigation Act;
(*g*) ditto ditto ditto under the Chowkidaree Act;
(*h*) furnish local officers with any statistical information within their special knowledge that they are asked for;
(*i*) keep mortuary returns if specially directed to do so by the Collector

All other work that it has been customary hitherto for putwaries to perform should be strictly forbidden to men of the new organization.

The Maharajah of Hutwah writes to the following effect on the subject:—"Putwaries were a class of useful officers in the good old days, when education, properly so-called, had no existence amongst the villagers, when there were no Munsifs' Courts no sub-divisional office, no Sub-Registrar of Deeds, no public outposts within easy reach of the people; when the simple rustics were perfectly satisfied with the administration of the 'village community,' and when the zemindars as a rule depended entirely on the putwaries for the rent accounts of their villages. The putwaries' papers were then authoritative documents by which the zemindars and ryots agreed to bind themselves. In those days the putwari was the general referee in all matters connected with the village accounts; in fact those accounts existed nowhere but with him. But now the administrative machinery of Government has entirely changed the state of society, and completely demolishing the fabrics of the 'village community' reduced the putwaries to the position of zemindars' servants merely. Now the zemindars keep up in their *sherista* detailed rent-rolls showing the accounts of each ryot, and the ryots get receipts for every pice they pay. Moreover *pottahs* and *kabuliats* are registered in the Sub-Registrar's office. Under the Cess Act detailed *jummabundies* of each village are from time to time filed by the zemindars in the Collector's office. As a public servant, the putwari has therefore no existence now except in name. Notwithstanding the *purwanah* of appointment he receives from the Collector, he is wholly the servant of the zemindar from whom he draws his remuneration, and whose good-will it is his main object to secure. His primary duty is to collect rents and grant receipts, and such being the case, he is not looked upon by the ryots as their friend. To make such men therefore the real custodians of the village rent-roll, and trustworthy informants of all matters connected with the rates and areas of rent-paying lands, &c., will not further the interests of the ryots, whose welfare the Government really seems to have in view. The education of the putwaries as a class is so limited, their remuneration so small, their traditions so demoralising, that to entrust them with such important duties as those contemplated is to make light of the duties themselves.

"The administrative machinery which the Government has introduced for safeguarding individual rights has rendered the position of the putwari as a quasi-Government servant quite an anomalous one. All the duties which Government can now safely demand from the putwaries are what they can ordinarily demand from all village servants of zemindars."

9. Mr. Worsley, Collector of Chumparun, has forwarded a note drawn up by Mr. Henry on the subject, which is to the following effect:—

Owing to the fact that but little recourse has been had to the putwara procedure for the sub-division of estates, that most of the land of the district is owned by a few large proprietors, and to certain local and exceptional circumstances, the Collector of this district has been able to maintain a more defined and direct control over the body of putwaries than probably is the case elsewhere. The provisions of Regulation XII of 1817, which vest in the Collector the power of appointing and dismissing putwaries, have been strictly enforced, and, as a matter of admitted practice, no putwari is now appointed or dismissed except through the Collector. It occasionally happens that thikadars decline to employ the recorded putwari and prefer working through an unauthorized nominee of their own; but these cases are not of frequent occurrence, and no great difficulty is experienced in dealing with them. The Board of Revenue have already discussed the nature of the services now rendered by the putwaries, and have recorded their opinion regarding the duties which, under the regulation, can be required from a putwari in virtue of his office. It seems sufficient therefore to say that no objection can reasonably be taken to the services which, in this district, are required from putwaries, except as regards their being utilized to collect rents. This practice should be strictly discontinued. The putwari should record the amount of rent due by the ryot on account of his holding, and grant receipts for rent payments in the thikadar's or proprietor's name when required, without in any instance the money rent being allowed to pass through his hands.

It is a fact that putwaries have not hitherto afforded much assistance to the administrative staff of the district, but this is owing to the inability on the part of the officers to fully utilize them, rather than to any unwillingness on their part to carry out orders.

Putwaries draw their pay partly from the zemindars, partly from the ryots. The zemindars usually give the putwari a yearly salary, which sometimes takes the form of a fixed salary, and sometimes on a percentage upon collections at the rate of half anna in the rupee. In many villages it is customary to collect from the ryots a cess known as *hisabana* at the rate of half anna in the rupee to recoup the zemindar for the putwaries' wages. From the information which Mr. Henry has on the subject, he is inclined to think that the contribution to the putwaries' wages nominally paid by the zemindars, in almost all instances actually is paid by the ryots. The contribution made direct by the ryots constitutes the larger share of the putwaries' emoluments. This contribution is paid under the form of two cesses known as Farakawan and Dowat Puja, the rate being half anna and nine pies in the rupee respectively.

From the experience which Mr. Henry has of the district, he is led to believe that no serious difficulties exist in the matter of obtaining from the putwaries information of much interest and use about the social condition of the agricultural classes and agricultural statistics generally. To render the information useful, it is essential that these returns should be carefully scrutinized. During the cold season the Collector, when on tour, may test a few of the entries in the registers kept by the putwaries, but such scrutiny as he can give is necessarily superficial and of little account.

The Board in their letter to Government point out that the scheme for the revival of village accountants has proved unsuccessful, because it is an attempt to reinstate an obsolete institution by the application of rules which are no longer suited to the altered conditions of the present time. It may be true that the conditions of agricultural tenancy have in the last two generations been greatly modified in most districts; but the changes have been less marked in Chumparun than elsewhere Now, as formerly, most of the villages of the district are in the hands of individual zemindars, who collect either directly or through thikadar; little or no advance has been made in the sub-division of property.

It seems therefore that all that is now required in order to thoroughly revitalize the system of village accountants is the revival of the canoongo system in a limited and modified scale, as already suggested by him in a report on the draft Provincial Famine Code. In addition to the canoongoes that would have to be appointed in each thana circle, a Sub-Deputy Collector with necessary establishment should be kept at the district head-quarters, through whom the canoongoes' reports should be submitted to the Collector.

The putwaries' customary remuneration, which amounts to Rs. 0-1-9 in the rupee of the rental of the district, is paid by the ryots and zemindars without much murmuring. Any attempt to declare the charge in its present form an illegal demand, and replace it by a cess upon the rental would be objected to by both ryots and zemindars. In its present form it is of the nature of a voluntary contribution; but if levied in the form of a cess would become as unpopular as any other direct tax. Mr. Henry would restrict the power of appeal which at present exists. A putwari dismissed by the Collector can appeal to the Commissioner, and from him to the Board. An appeal preferred to the Board entails very heavy costs. It would, in view of the interests concerned, be desirable to secure finality at as early a stage as possible, and no appeal should therefore be allowed from the Commissioner's orders upholding or upsetting the orders of the District Collector.

Mr. Henry suggests that, as soon as the organization to be maintained has been determined upon, rules might be drawn up defining the duties that are required from putwaries, and the sanction that can be enforced for disobedience. No attempt should be made to adjust the remuneration paid by the villagers, as the question is one of great difficulty and rendered more complex by the fact that many putwaries have paid very large bonuses to the zemindar to secure the posts they now hold. The custom is no doubt a highly objectionable one; but it has by the lapse of time and non-interference gained sufficient strength to make interfering with it a difficult matter.

Mr. Worsley concurs generally in the views expressed by Mr. Henry, but expresses his dissent from the opinion given by the latter officer on the point that putwaries should grant receipts for rent payments in the thikadar's or proprietor's name, both because they have nothing to do with giving receipts, and because it has been proposed in the Bengal Tenancy Bill that a special form of receipt shall be granted by the landlord. Under that Bill, if passed, almost every ryot will become an occupancy ryot, and every occupancy ryot can get himself converted into a tenure-holder or landlord, and he does not therefore think that they will be willing to make over all their cheque books to a putwari.

Mr. Gibbon, Manager of the Bettiah Raj, has made the following remarks on the subject:—

"Although the regulation has been in force for so many years, no two persons can agree as to the putwari's position under it, or for what good purpose he was created. The responsible authorities are not yet decided whether he is a private servant, or the servant of Government, or both. Mr. Gibbon is strongly of opinion that neither the present law, nor any future law, will serve any good purpose until his position under it in reference to each and all of us is authoritatively decided. Once decide whether the putwari is a Government servant, subject to the sole control of the Collector of the district, or the joint servant of the zemindars and ryots to record all ordinary business transacted between them, compelled to explain his accounts to them, and liable to have his accounts called in question by them, once divide the weight to be attached to the evidence of the putwari in a civil court, and the

greater portion of the evils now complained of will disappear. The whole working of the Act since its introduction has been badly sustained—worked without a purpose."

Mr. Gibbon reserves his opinion on the Government scheme for the remodelling of the system for another letter. This letter has not yet been received.

10. Mr. Boxwell, Collector of Gya, has submitted the following report:—

"The reason for delay is that I do not think what I have to say worth saying.

"I have given the putwari question a great deal of thought, and have talked over it often with many men, and I see no satisfactory way out of the difficulties.

"I have read over the correspondence. It seems to me to take up every conceivable side of this matter and discuss it exhaustively, and the conclusion is that—

(a) our agricultural statistics are bad;
(b) the putwaries must be both Government servants and zemindari servants;
(c) no one has shown how to make these double servants supply trustworthy and complete information;

and I see no way. I do not mean that I believe there is no way. I merely mean that on this particular subject I feel myself in the dark. I do not see the way out.

"Mr. Rattray's report does not seem to me to be the kind of answer that is wanted; but I submit it, as it may be of use.

"There can be no doubt that the zemindars in Bengal are in the position of advantage. They can obtain the statistics if they like; but I do not see how to make them either collect or supply.

"As far as I can see, it is only in Government and Wards' estates that we could properly test information supplied.

"But I cannot advance an inch beyond the spot at which the reading of the printed correspondence has left me."

11. I now proceed to state my own views—

(1) in regard to the patwarees' position to the zemindars;
(2) in regard to the general duties which he should be required by law to perform; and
(3) in regard to the supervisional agency to be maintained in connection with the patwaree system, and the method of raising funds for paying the entire establishment.

In submitting these, I beg to say that my consideration of the subject has been aided greatly by the assistance and support of the opinions of Mr. Worsley, the present Additional Commissioner, whose views coincide with mine on all important points connected with the subject.

12. On the first point I have no hesitation in stating that the patwaree should be absolutely forbidden to render private services to the zemindar, and should be converted into a strictly public officer, subordinate to his official superiors alone. It is, in my opinion, to his discharge of such duties, as the collecting of rents, granting receipts, &c., that is mainly due to the general distrust or suspicion with which the patwaree is regarded by the people. His office, as a rule, is valued by himself, more for the irregular emoluments which he is enabled to obtain, whether by fraud, oppression, or influence, than for the moderate remuneration allowed by law. And not only must his business of rent collector and the frequent and various demands made upon him by the zemindar seriously interefere with the performance of those duties which he owes to the village community, but he is liable at any moment to be sued for accounts or charged with embezzlement, and thus rendered incapable of attending to his public business for weeks and months together. It is seldom in the trans-Gangetic districts, even on estates owned by a single proprietor, that the patwaree enjoys the confidence both of zemindar and ryot; while in joint undivided estates, of which the shareholders are numerous, he is invariably the object of more or less antipathy to all. In such estates, even if he is inclined to be honest, it is often impossible for him to attend impartially to the interests of all the share-holders.

13. It has been assumed, I think far too readily, that because patwarees in the present day are largely employed in the collection of rents, and because they are bound by section 16 of Regulation XII of 1817 to perform all duties and services which it "*has been* customary" for them to execute, they are therefore legally bound to collect rents. It is generally forgotten that the duties and services were such as had been performed previously to the year 1817, and that a question of custom or usage cannot be legally decided by a Collector without reference to the canoongoes of the pergunnah (section 21). It seems to me that if present custom is all that is to be considered, the list of private services to be rendered by a patwaree may be indefinitely extended at the will of a zemindar. I believe, indeed, that so far as the law or legal custom is concerned, a zemindar is no more entitled than is a ryot to the personal services of patwarees. And I do not find that in districts, such as Shahabad, where the patwarees are paid exclusively by the ryots, the latter either singly or collectively are accustomed to treat them as agents.

14. Another very serious objection to the present system is that it throws upon revenue officers the unprofitable work of trying cases between zemindars and patwarees, in which village communities are in no way interested.

For all these reasons I am satisfied that no reform can be effectual which does not begin by severing the connection between zemindars and patwarees.

15. With regard to the second point, viz. the general duties which the patwaree should be required by law to perform, I would re-enact section 16 of Regulation XII, 1817, with slight modifications, taking care to make it clear that all his duties and services must be of a public nature. The patwaree should be expressly declared to be a public servant to be appointed by the Collector for such an area as the superior revenue authorities might direct, and punishable with fine, suspension, or removal from office for misconduct or neglect of duty. I would not attempt to prescribe by law the details of his duties, but would empower the Board of Revenue to pass or revoke from time to time such rules in this direction as they might think proper. The right of nomination should be withdrawn from zemindars, and the office should no longer be made hereditary, complete freedom of action in these respects being left to the revenue authorities. The general substance of sections 22, 23, and 24 of Regulation XII, 1817, should be retained, but the power of punishing for disobedience of orders should be vested in Collectors to the extent of fining, suspending, or removing from office, and a section similar to section 29 of Act V, 1861, should be added. Zemindars should be bound by law to furnish patwarees or the canoongoe of the pergunnah with such accounts and statements as the Board might direct, and should be subject to a daily fine by order of the Collector for non-compliance (*vide* section 33 of Regulation XII, 1817). The law should also provide for the levy and recovery of a cess, not exceeding one anna in the rupee of rent, payable jointly by zemindars and ryots on the principle of the Cesses Act, for the maintenance of patwarees, ministerial establishments, office buildings, and supervisional agency.

16. I do not gather from the papers forwarded with the Board's letter now under reply that a detailed account of proposed duties of patwarees is at present required, and I therefore confine myself to the consideration of general principles. I may, however, remark in passing that the compilation and maintenance of the existing forms Nos. 1 and 2 prescribed by the Board should be enforced in their entirety, and that columns 1, 2, and 3 of form No. 3 should be retained, together with all the columns, except 9 and 11 of No. 4. I may further observe that there is much in the rules for patwarees and canoongoes issued by the Board of Revenue, North-Western Provinces, that might be usefully extended to Behar. But until it is definitely settled what the new patwaree system shall be, and how the necessary funds shall be raised, it seems premature to propose a set of rules.

17. With regard to the third point, viz. the supervisional agency to be maintained in connection with the patwaree system, and the method of raising funds for paying the entire establishment, I propose—

(1) That each district be divided into circles, and that each circle do not exceed 2,000 acres, except where it is necessary to include a larger area in order to bring an entire village within one circle.
(2) That each circle contain one or more entire villages.
(3) That one patwaree be placed in charge of each circle.
(4) That over every 25 patwarees a head or "mir" patwaree be appointed.
(5) That for each thana jurisdiction a rural registrar be appointed with the title of registrar-canoongoe, and that the patwarees of each such jurisdiction be made immediately subordinate to that officer.
(6) That over the registrar-canoongoes a sudder registrar (*i.e.* sub-registrar) be appointed at the head-quarters of each district, who shall be responsible under the Collector for the proper working of the system.
(7) That strong and capacious buildings be erected in the vicinity of each police station for the accommodation of the registrar-canoongoe and office establishment, and for the safe custody of records.
(8) That the monthly pay of each patwaree shall not be less than Rs. 7, nor more than Rs. 12.
(9) That the monthly pay of the head patwaree shall be Rs. 15.
(10) That the proportion of the registrar-canoongoes' salary payable from the patwaree fund shall not exceed Rs. 30 per mensem.
(11) That the proportion of the sudder registrar-canoongoes' salary, similarly payable, shall not exceed Rs. 100 per mensem.

In addition to the above there would be the salaries of peons and mohurirs, cost of stationery, and interest on the value of the buildings to be erected by Government.

To meet the above expenditure, I would impose, as I have already suggested, a patwaree cess at a rate not exceeding one anna per rupee of rents, and on the principle adopted in the Cesses Acts.

18. There are strong reasons, I think, for making more use of rural registrars than has hitherto been the practice. The time of these officers, where they exist, is not fully occupied at present, and if the Bengal Tenancy Bill in its present shape becomes law an increased number of local officers will be required for registering contracts for enhancement of rent (section 41), for receiving deposits of rent (section 73 *sq.*), for making appraisements or divisions of produce (sections 81 and 82), and for other purposes; and rural registrars, if carefully selected and appointed, will be the best men for all this work. They are not liable to be transferred from one appointment to another to the same extent as most other officers of Government. They will have special opportunities of acquiring local knowledge and experience, and as they become more known to the people they will probably gain their respect and confidence.

19. I am aware that any thing in the nature of a new cess is calculated to provoke opposition and discontent; but it must be borne in mind and made clear to objectors that such a cess as the one proposed is not really new, and is little more than a change in the mode of payment, such as has lately been advocated, and I trust successfully, in the analogous case of chowkidars and village punchayets. The machinery is already in existence for its assessment and realization, and it is clearly to the advantage of zemindars and ryots, more especially of the latter, that their rights and interests under the new Tenancy Bill, and all the available agricultural particulars of their villages, should be as carefully recorded and preserved as possible. Unless, indeed, some such large scheme is introduced, I fear that little good will follow from mere legislation. It has been found by experience that the filing of large masses of papers, which there is no one to scrutinize and no place to contain, is worse than useless, and that some of our best conceived projects, such as the village chowkidari system and the reorganisation of patwarees in previous times have failed of success from want of efficient supervision and of liberal expenditure of money in the first instance. It may be that in course of time, as the new patwaree system becomes well developed, and rent disputes diminish, a much smaller establishment will be needed in each district; but it will be false economy to jeopardise the success of a most important measure by grudging the expense that is necessary for carrying it out.

20. To shew what the annual approximate cost of the scheme would be in a district of average size, I may take the case of Mozufferpore, whose area is 3,000 square miles, and whose income from road cess, levied at half-an-anna in the rupee of rent, amounts to Rs. 1,46,000—

		Rs.
1,000	Patwarees, at Rs. 10 each per mensem	1,10,000
40	Head patwarees, at Rs. 15	7,200
9	Registrar-canoongoes, at Rs. 30	3,240
1	Sudder registrar-canoongo, at Rs. 100	1,200
	Interest on buildings	3,000
	Mohurirs	8,000
	Peons and stationery	2,000
	Contingencies	7,000
		1,41,640

The cess therefore in Mozufferpore and other similar districts would not come to more than half-an-anna in the rupee of rent, but in Chumparun district, where the rents generally are much lower, it would probably be necessary to impose the full rate. The provisions of the law, under which Road Cess Committees and Municipalities are required to pay for certain services rendered by Government officers, sufficiently justify that part of my proposals which relates to contributions to the salaries of registrar-canoongoes and sudder registrar-canoongoes.

21. I must apologise for my delay in submitting this report, which has been largely owing to the non-receipt of one of the district reports before the 17th ultimo, and to great pressure of works.

G. E. G. & others—Reg. No. 12303C—112—8-1-85.

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PAPERS RELATING

TO

PUTWARIS AND CANOONGOES IN ORISSA.

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No. 1671, dated Fort William, the 5th May 1871.

From—Rivers Thompson, Esq., Offg. Secretary to the Government of Bengal, in the Revenue Department,

To—The Secretary to the Board of Revenue, Land Revenue Department.

I am directed by the Lieutenant-Governor to acknowledge the receipt of the letters marginally cited, submitting the reports of the Board of Revenue on the subject of the re-organization of the canoongoe and putwaree establishments in Orissa, and in reply to communicate the following observations and orders.

No. 5411B, dated the 22nd September 1869.
No. 183, dated the 17th February 1871.

2. With respect to the putwarees, it seems to the Lieutenant-Governor that the Board, in the remarks which they have made in the 18th and 19th paragraphs of their last letter, have wholly misunderstood the Government of India. It is not the case that two schemes, with nothing in common, have been proposed; for the improved putwaree is called, and properly called, an assistant to the canoongoe in the same sense that a tehsildar or sub-divisional officer is an assistant to the Collector, their duties being of the same character in different degrees. In the case of the Orissa canoongoes, they are so numerous that they may perhaps be said to be a sort of superior putwarees, while improved and enlarged putwarees may be said to be a sort of small canoongoes. A further misapprehension appears to prevail in the Board's letters, in that they seem to think that the sole question regarding improved putwarees is whether they can be put on the precise footing of the Seharunpore putwarees. The question for the Board's consideration was whether in any mode they could give effect to the general object stated in the 5th paragraph of the letter* of the Government of India, namely, whether by a revision of the existing putwaree establishment in Orissa, by reducing their numbers and improving the position and emoluments of those retained, large administrative advantages could not be secured. Any proposal, therefore, for proceeding in that direction might have been submitted.

* No. 55, dated 28th January 1869.

3. In the Lieutenant-Governor's opinion the organization of such a system would be quite practicable, and would be attended with many benefits, both to the people and to the Government; and, in attempting to establish it, the Lieutenant-Governor thinks that the proper course would be to advance gradually, as has, in fact, been done in the North-Western Provinces, though His Honour himself doubts whether it would be desirable to attempt, for the present at any rate, to go the whole length of the Seharunpore arrangement. Whatever doubt may arise as to the legality of throwing the whole of the putwaree funds of a district into one and establishing one graded service of putwarees, it seems to the Lieutenant-Governor that the present law, enabling the Board of Revenue to authorise one putwaree to do the duty of two or more villages and to exercise very stringent control regarding remuneration, &c.,† would enable the Government to go quite as far as it is desirable to go at present.

† See, for instance, sections 3 and 18 of Regulation XII of 1817.

4. The Lieutenant-Governor deems it unnecessary to follow the Board into the question of the want of powers to resume the putwaree allowances in particular estates, because he comes to much the same conclusion on a different and broader ground, namely, that it is part of the settlement arrangement that a portion of the land, or assets of the village, should be applied to maintain an accountant for the benefit of the people, the landholders, and the Government; and it would be unfair to put a stop to that arrangement during the currency of the settlement. For that reason His Honour also thinks that the jaghees which the Board propose to resume cannot be resumed, or ought not to be resumed, except for the purpose of a better distribution of the funds and the more effective performance of the duties of the village accountants.

5. In reviewing the correspondence which has passed upon this subject, the Lieutenant-Governor's attention has been attracted to the earlier reports which advocated the abolition of the putwaree establishments in Orissa, and he inclines to the belief that there is an error running through the views expressed on this subject from its commencement, when it is assumed that the provisions of the law requiring the filing of village papers were repealed, as respects the territories under this Government, by Act X of 1859. So far as His Honour can discover, nothing was repealed by the Act in question but the provision which disallowed all suits for rent when the papers were not duly filed. The disabilities as regards rent-suits, attaching to zemindars and others neglecting to conform to the rules on the subject of putwaree papers and accounts, were removed, as regards the Lower Provinces, by the repealing section of Act X, 1859; but it is quite clear that in the greater part of Bengal the law regarding putwarees had been so systematically neglected for a very long time that Act X could not have been worked if the provision of the law had been enforced; and it was accordingly so far relaxed; but the obligation to provide putwarees and to file papers remained general, and the practice of filing them, which seems to have, till the promulgation of Act X, existed to some extent in Orissa, was put a stop to, not so much by the operation of the law as by the action of the Board of Revenue in their orders to the Commissioner of Cuttack. The Lieutenant-Governor, while entertaining the highest respect for the opinions of the Board, is nevertheless constrained to observe that its members must necessarily have had very little experience of an efficient system of putwarees' papers following a regular

settlement, that system having been allowed to fall into desuetude in Bengal. Orissa, on the other hand, is, in respect to revenue matters, in a situation precisely analogous to that of several other provinces where a different system prevails. It has been regularly settled under Regulation IX of 1833, and the tenures closely resembling those of the Central Provinces are very unlike those of Bengal. In urging, therefore, the abolition of the putwaree system in Orissa, the opinion of the Board of Revenue, Lower Provinces, was diametrically opposed to that of all the officers of the North-Western Provinces, Punjab, Madras, Bombay, and the Central Provinces, as well as to that of the framers of the permanent settlement of Bengal and Behar, all of whom thought it desirable to maintain and improve the indigenous institution of the putwaree and to insist on the submission of his papers. The Lieutenant-Governor cannot therefore accept the dicta of the former members of the Board as conclusive on this subject. On the contrary, he is of opinion that Government must maintain and do what it can to improve the putwarees of Orissa as an excellent indigenous institution still existing, and that it will probably be desirable to require them to file annual papers as before, in the hope that, before the time for a new settlement arrives, the system shall have been brought to complete efficiency. The improvement of the putwaree service will involve great advantages in the way of facilities for obtaining information, recording transfers of rights in the land, and collecting statistics; but, in the Lieutenant-Governor's view, the putwarees can never be regarded as mere statistical officers only. Before, however, defining more precisely the duties to be required of putwarees, the Lieutenant-Governor begs that the Member of the Board, in charge of the Department of Land Revenue, will re-consider the whole subject by the light of the above remarks and instructions, and inform the Government whether, by a moderate amount of reduction and of re-arrangement, a tolerably efficient putwaree service might not be obtained.

6. In all estates where the remuneration of the putwarees is not distinctly stated, the matter can be settled under the provisions of Regulation XII of 1817, which gives the most ample powers. Whenever fees or perquisites are received in addition to the recorded jagheer or public payments, they might be recorded and made part of the recognised emoluments.

7. The Lieutenant-Governor will be glad to be favoured with the general views of the Member of the department concerned—after he has possessed himself of any further local information which he may require—before issuing more precise instructions; and as so great and regrettable a delay has already occurred, His Honour trusts that the Member's reply will be received before many weeks have elapsed.

8. As respects the Orissa canoongoes, the Lieutenant-Governor has delayed reporting the Board's proposals for the final sanction of the Government of India, because he has some doubts with respect to the conclusions already arrived at. The Board's letter of 22nd September 1869, No. 6411B, seems to His Honour hardly to comply with the call of this Government for a set of rules clearly defining the duties and position of the canoongoes. The Board have only submitted a very concise list of many duties drawn up by the Commissioner; but while that officer's proposals were in some sense complete in themselves, the Lieutenant-Governor cannot quite understand the position of the canoongoes after the Board have accepted one part of the proposals and rejected the other. The Commissioner would have made the canoongoes a sort of little tehsildars performing most of the duties of a tehsildar under a regular settlement, and something more besides. For this purpose he would have provided for each of the fifty-three canoongoes a cutcherry and an assistant, and this plan might, I am to observe, have been tried. The Board, however, propose to retrench the cutcherry and assistant, and would give nothing but a box to hold papers. The Lieutenant-Governor does not himself see how such duties as those prescribed by the Commissioner can be performed by a single person with no office, no local habitation, and no establishment except a box. In His Honour's view, if such duties are to be imposed on the canoongoes, it would be better still further to reduce their number below that of fifty-three for three small districts (two of which at any rate are very small), to make a canoongoe a man of higher position, with an office and assistants, or else to take but a very few as district or pergunnah canoongoes, and reduce the others to be first class putwarees. Before, therefore, proceeding further, the Commissioner will be called upon for an immediate report of the present situation and working of the canoongoe system in Orissa, and on its receipt the Board will be again addressed on the subject. As the scheme submitted exceeded the sanctioned amount, it is not clear how it can have been put in practice, and the Accountant-General has been asked how the matter stands.

No. 1681.

EXTRACT, paragraph 8, of the above letter forwarded to the Commissioner of the Orissa Division for information, and with a request that the report therein required may be submitted with the least practicable delay.

By order of the Lieutenant-Governor of Bengal,

R. H. WILSON,

Offg. Under-Secretary to the Govt. of Bengal.

FORT WILLIAM,
The 8th May 1871.

W. LeB.—Reg. No. 10956C—100—16-12-84

No. 2155, dated Fort William, the 10th June 1871.

From—Rivers Thompson, Esq., Officiating Secretary to the Government of Bengal in the Revenue Department,

To—The Officiating Secretary to the Board of Revenue, Lower Provinces, Land Revenue Department.

I am directed to acknowledge the receipt of your letter No. 108A, dated the 25th instant, communicating the remarks of the Board of Revenue on the resolution recorded by the Lieutenant-Governor on their report on the land revenue administration of the Lower Provinces for the year 1869-70.

2. The Lieutenant-Governor would by no means impute carelessness and inefficiency to the Board, being well aware of the great zeal and ability with which they have always performed their duties. He recognized the fact that the form of the report was one which had been long handed down, and if the Board had not had a very exceptionally strong Secretariat, he would have contented himself with asking that the character of the report should be altered for the future. As it is, he must still think that, with such a Secretariat, a more interesting report might have been looked for; but he has no doubt that all his requirements will now be well met as far as it is possible to meet them.

3. With reference to the difficulties suggested, the Lieutenant-Governor readily accepts the proposal that the Member-in-charge should only give him, with the report for the past year, such information as he can furnish from his own knowledge, or can compile from available data; leaving the more detailed information, necessary as a preliminary to a new series of reports, to be furnished hereafter, either in a special report, or as part of the report for 1871-72.

4. The Lieutenant-Governor hopes that speedy measures will be taken to collect the information required, which though very wide in its scope, is not, he thinks, more than the officers responsible for the administration of this great country may reasonably be expected to furnish. The facts stated by the Board regarding the want of permanence in the Collectors, and consequent want of knowledge of their districts, and want of experience in the preparation of such reports as are called for, are very sad. The evil is one which His Honor is well aware of, and will try to the best of his power to mitigate. As a series of questions have been already addressed to the Collectors for the preparation of a gazetteer, and as the Board and the Collectors have of late years been engaged in collecting some statistical information in connection with the statements prescribed by the Government of India in accordance with the recommendation of the Statistical Committee, it is hoped that some materials may be already available, and that the rest may be procurable.

5. The Lieutenant-Governor thinks it important to make a few remarks with reference to the Board's emphatic observation that under the Permanent Settlement Government has altogether abstained from interfering with the landholders in the management of their estates, and that therefore officers are not in a position to report on such management having no means of acquiring information except by many years of residence which it is not generally given them to attain. As matter of history, the Lieutenant-Governor must express his belief that there is some error in this statement, if it is intended to mean that the policy and mode of administration indicated were the immediate consequences of the Permanent Settlement. His Honor gathers from the notices in old records, that for many years after that settlement Government did very frequently interfere, and did very perseveringly seek to obtain information regarding the agrarian affairs of Bengal. The Code of 1793 is full of provisions for the protection of the under-tenants and farmers, for the filing of zemindari and village papers, for the maintenance of village officers, and for the record of property in land. Both on many occasions in those early days, and in not unfrequent occasions to this day, by Court of Wards' management, attachment, Government purchase, and otherwise, most estates have come under direct Government management. The regulations of 1817, 1818 and 1819, regarding canoongoes and putwaries, very abundantly show that up to that time the Government had by no means in any degree abandoned priciples of administration which have prevailed in other parts of India. On the contrary, efforts were then made to re-organize the village and pergunnah officers, and to obtain in the offices of Government the most detailed information regarding all holdings and all payments. The settlement regulations of 1822 and 1833 do not show any change of policy as respects Bengal. Regulation IX of 1833 repeated provisions for enforcing the filing of putwarees' papers in Bengal as well as in the North-Western Provinces, and rendered zemindars who failed in this respect incapable of suing for rent—a provision which remained in force in Bengal till 1859. It seems to the Lieutenant-Governor that it was only at some time subsequent to 1833, and after the separation of the North-Western Provinces, that a school of officers sprang up in Bengal, who adopted and enforced the non-interference system, discouraged, and eventually put down, putwaries, notwithstanding the still subsisting regulations in their favour, and held it not to be the function of Government to interfere and seek information, but rather to let the zemindars and the people settle their affairs in the courts. If the Road Cess Bill is passed, it will be absolutely necessary, in carrying it out, to fall back on the still subsisting regulations, and on the duties of landholders and functions of Government recognised in earlier days. And the Lieutenant-Governor must avow that in asking for information regarding the working of the existing system, the nature of the tenures, the condition of the people, and other matters, he is acting on a view of the duties of Government more consonent with that of the older administrators than with views more recently held in Bengal. He believes that this view is now held by Her Majesty's Government in England and in India, and he is confident that he will have the very efficient assistance of the Member of the Board in acting on it.

H. P. W.—Reg. No 13718C—100—3-2-85.

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No. 320, dated Simla, the 10th June 1871.

From—J. Geoghegan, Esq., Under-Secretary to the Government of India, Home Department,

To—The Officiating Secretary to the Government of Bengal, Revenue Department.

I am directed to acknowledge the receipt of your letter No. 1670, dated the 5th ultimo, submitting a correspondence on the subject of the reorganization of the canoongoe and putwaree establishments in Orissa; and in reply to express the entire concurrence of His Excellency the Governor-General in Council in the views of the Lieutenant-Governor, as expressed in your letter to the Board of Revenue, No. 1671 of the same date.

C. R. G.—Reg. No. 4696C—100—15-12-64.

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No. 621B, dated Fort William, the 12th December 1871.

From—H. L. HARRISON, Esq., Offg. Secy. to the Board of Revenue, Lower Provinces,

To—The Secretary to the Government of Bengal, Revenue Department.

A REPLY having been lately received from the Commissioner of Orissa on the subject of the establishment on an improved footing of the cannongoes and putwaries in the Province of Orissa, I am directed to submit that communication,* together with the following remarks, for the consideration of His Honor the Lieutenant-Governor. For the concise treatment of this subject, the Member in charge proposes first to take up that connected with the former class of officers.

* No. 566, dated 7th October 1871, with enclosures.

2. In the last paragraph of your letter No. 1671 of the 5th May last, His Honor the Lieutenant-Governor suggested either to reduce the number of the canoongoes in view to raise the position of those who might be retained, or else "to take but a very few as pergunnah canoongoes, and reduce the others to be first-class putwaries," under the denomination, as suggested in a subsequent letter, of sudder canoongoes and canoongoes.

3. In forwarding the first-quoted letter for the report of the Commissioner, the Member in charge made certain suggestions, especially in regard to an alteration in the previous arrangements, which would have had the effect of attaching a native officer of intelligence as a canoongoe to each sub-division at a higher rate of remuneration, which might be obtained by a reduction in the aggregate total number of the canoongoes. These suggestions were approved in your letter No. 2232 of 15th June last.

4. It will be seen from the accompanying letter that the Commissioner and the Collectors concur in earnestly deprecating any alteration in the present arrangement of the canoongoes, which was previously sanctioned by the Supreme Government in their letter No. 55 of 28th January 1869, and which has now been in force for two years. They strongly object to the appointment of sub-divisional canoongoes, and are in favour of the existing practice of retaining these officers in direct subordination to the Collector.

5. On these subjects the Member in charge requests His Honor the Lieutenant-Governor's attention to the extracts from a letter of the Collector of Balasore, reporting on the success which has attended the present system, the position of the canoongoes the duties they are required to perform, the inexpediency of any alteration in the arrangements at present in force, or of any reduction in the existing strength. These remarks, the Commissioner informs the Member in charge, are equally applicable to the other districts of his division.

6. The duties which it is proposed shall be assigned to the canoongoes, are described as fully as possible in the accompanying memorandum prepared by the Commissioner and amended by the Member in charge.

7. Accepting the opinion which is so decidedly conveyed in the communications of the local officers of the success which has attended the establishment of the canoongoes on their present footing and the benefits which the Collectors have derived from their services, the Member in charge would unhesitatingly adopt their views, and would strongly urge on His Honor that sanction may be now given to the permanent retention of that establishment, and to the extra budget application which is herewith submitted of the cost attending it, and the construction of offices for them.

8. In regard to the putwaries the matter stands thus—

It was first proposed that the increase which would be incurred for the remuneration of the canoongoes should be met by dispensing with the services of all putwaries, and reserving the jagheers assigned to the latter. The Government of India, however, in its No. 55 of the 28th January 1869, having doubted the good policy of such a measure, His Honor the Lieutenant-Governor expressed in your letter under reply an opinion that "the Government must maintain, and do what it can to improve the putwaries of Orissa, an excellent indigenous institution still existing," and requested to be informed whether, by a moderate amount of reduction and of re-arrangement, a tolerably efficient putwari service might not be obtained;" His Honor being further of opinion, that "under the provisions of Regulation XII of 1817, which gives the most ample powers, the matter of the remuneration of putwaries, where not distinctly stated, can be settled"

9. From the Commissioner's letter it appears that out of 5,304 estates on the rent-roll of the province, there are but 404* in which provision was made at the time of the settlement for putwaries.

Cuttack	...	...	190
Pooree	...	...	185
Balasore	...	...	29
			404

10. Under these circumstances it can scarcely be held that "putwaries are an indigenous institution already existing" in Orissa, having become in fact rather the exception than the rule. It remains then a matter for consideration whether, under the laws in force, the system can be, and if so, whether it should be introduced into those estates in which no putwaries have been established.

11. On the first point the Member in charge has no hesitation in stating his opinion that the zemindars cannot be required to provide for the remuneration of putwaries in the

estates in which no provision at the time of the settlement has been made for the purpose. He would only repeat here the remarks on this subject, contained in his letter to the Commissioner, which was submitted for the consideration of His Honor, and met with his approval—" Regulation XII of 1817 certainly gives considerable power to the Board of Revenue to determine the distribution of the putwaries within estates (sections 3 and 33), and to provide for their remuneration (sections 18 and 19). The Member in charge, however, cannot think that the procedure of that regulation can be enforced in Orissa, because, subsequently to its enactment, that province was subjected to a regular detailed settlement in which the appointment and remuneration of certain putwaries were distinctly provided for. It is clear that if more putwaries are to be appointed, the Government cannot, during the currency of the present settlement, compel the zemindar to pay their remuneration, since his duty in this respect is fixed by the terms of his settlement. If such appointments have to be made, the cost will devolve on Government."

12. If these putwaries are to be generally introduced in the districts of Orissa, whether in each estate or whether in circle of estates, the expenses of the remuneration must be provided by Government.

13. That expense would be considerable, for allowing but Rs. 50 a year for each man, or say Rs. 4 a month as salary, and placing an average of say three estates under each putwarie (it is to be remembered that though in the case of very small estates one officer would suffice for a greater number, yet more than one would be required for the larger estates,) there would be required for the 5,000 estates, which, speaking in round numbers are still unprovided, say 1,700 officers at an annual cost of Rs. 85,000.

14. The Commissioner has pointed out that by section 33 of Regulation XII of 1817, "in those estates where from sufficient cause it may appear impracticable or inexpedient to appoint putwaries in the mode prescribed by that regulation, the person by whom the village accounts are kept, whether proprietor, farmer, gomashta, or other officer," can be required to "furnish the canoongoe with such accounts and statements as the Collector, with the approval of the Board, may direct;" and that the penalties applicable to putwaries for enforcing their attendance and accounts, giving false statements on oath, or fabricating or altering their papers, are extended to such proprietors or officers.

15. The Member in charge is of opinion that Government should not appoint putwaries in those cases where no provision was made for that class of officers at the time of the settlement; but should avail itself of the provisions of the above section, and call on the proprietors of such estates to furnish such accounts as are prescribed in clauses 1 and 2 of section 16 of that regulation, and such other statements and accounts as may be from time to time determined by the Board.

16. If this suggestion be approved, the Board would issue the necessary instructions to the Commissioner for carrying it into effect in such a manner that its operation should not press with harshness on the proprietors. As the proprietors become gradually acquainted with the duties which they might be called upon to perform, and have made the necessary arrangement for their discharge, they would prove undoubtedly most valuable in supplying information on various points on which the want of reliable statistics is at present much felt.

17. Briefly stated, the proposals here submitted are that—

1*st*.—Sanction may be finally given to the permanent retention of the fifty-three canoongoes under precisely the arrangements at present existing.

2*nd*.—An extra budget grant to the extent of Rs. 11,620 be made for the construction of cutcherries on the enclosed plan, for the entertainment of peons, and for the supply of books and stationery.

3*rd*.—The proposed rules for the guidance of the canoongoes be sanctioned.

4*th*.—The existing putwaries be maintained throughout the province.

5*th*.—The provisions of section 33 of Regulation XII of 1817 be enforced in regard to the estates in which putwaries are not at present maintained.

And lastly, the Board be vested with discretion to carry this last suggestion into effect in such a manner as shall seem to them likely to secure efficiency without making unnecessary and difficult calls on the zemindars.

No. 566, dated Cuttack, the 7th October 1871.

From—T. E. Ravenshaw, Esq., Commissioner of the Orissa Division,

To—The Officiating Secretary to the Board of Revenue, Lower Provinces.

In reply to your No. 71B of 26th May 1871 and of No. 96B of 5th July 1871, I have the honour to state that out of 5,304 estates in Orissa province there are only 404 in which provision was made at the time of settlement for putwarries, and these are very unequally distributed, viz. 190 in Cuttack, 185 in Pooree, and 29 in Balasore district. In 4,900 estates there are no putwarries.

2. I am certainly of opinion that if it be determined to appoint putwaries to every estate during currency of the present settlement, the cost, which will be very considerable, must fall upon Government; and that although it might not be impossible to dispense with existing putwaries and resume their emoluments, yet it will be out of the question to retain them as putwaries for general service where their original appointment and remuneration was fixed for specific duties within the limits of estates to which they were attached at the

time of settlement. I am unable to propose any reorganization of the present putwarrie establishment that shall be consistent with Regulation XII of 1817. In those estates in which putwarries were appointed at the time of settlement; there can be no difficulty in insisting on their performing their legitimate duties and in those estates where putwarries are non-existent, it would be possible to insist on their duties being performed by the zemindars or their agents under section 33 of Regulation XII of 1817; but this would not be strictly just, inasmuch as the error in not appointing putwarries, and providing for them at the settlement, originated with Government rather than with the zemindars; and *quoad* their duties as putwarries—every zemindar of an estate would be placed in direct subordination to canoongoes—an arrangement that would lead to considerable confusion.

3. I enclose a statement showing the general distribution of canoongoes and putwarries within each canoongoe's circle; any better arrangement either of putwarries or canoongoes I am unable to suggest; and I am quite satisfied that further reduction in the number of canoongoes must be at the sacrifice of efficiency. The revised staff of canoongoes are all at their posts, and have as a fact been discharging their new duties in a manner which leads me to believe that the scheme originally proposed only requires formal and specific sanction to work thoroughly well and satisfactorily, and I most earnestly deprecate any further change either in the number or arrangement of canoongoes and their circles.

4. In order that the Board and Government may see that I am not raising any obstructive objections, I enclose copies of the Balasore and Cuttack Collectors' letters; the Pooree Collector's report does not contain any particularly interesting or valuable remarks. Copy of my letter to Collectors, to which the enclosures are in reply, was forwarded to the Board with my No. 262 of 17th June.

5. Sub-divisional canoongoes are certainly not required; and it is far better to keep the whole establishment under the Collector's sole control, and to have the whole district statistics, reports, and returns tabulated and recorded under the Collector's eye by the sudder canoongoes. I submit for approval a set of rules for the guidance of canoongoes. Their duties have been already defined in the enclosure to this office No. 543½, dated 18th August 1869.

6. I also append a proposition statement for the appointment of one peon on Rs. 5 per month for each mofussil canoongoe. The three sudder canoongoes having their office in the Collector's cutcherry do not require peons.

7. Estimate and application for budget grant is annexed for cost of re-erecting canoongoes' cutcherries and providing them with books.

Statement showing the existing revised staff of canoongoes, the number of estates in their jurisdiction, and the number of estates in which putwarries were appointed at time of settlement, and also the number of estates in which putwarries were not appointed, and where no provision was made for the performance of putwarries' duties.

District.	Consecutive number of canoongoes.	Canoongoes' circle.	Number of mehals in each canoongoe's circle.	Number of mehals in which putwarries exist.	Number of mehals in which putwarries do not exist.	Remarks.
Cuttack ...	1	Cuttack	.....	.....	.....	Sudder canoongoe attached to Collector's office.
	2	Pergunnah Panikhund, &c. ...	231	3	228	
	3	" Kokakhund, &c. ...	132	15	117	
	4	" Padumpore, &c. ...	98	14	84	
	5	" Maiedmaugar, &c. ...	223	29	194	
	6	" Painda, &c. ...	115	2	113	
	7	" Jajpore, &c. ...	559	11	548	
	8	" Burgurra, &c. ...	276	28	248	
	9	Killah Durpun	46	6	80	
	10	Pergunnah Kahamalia... ...	186	11	175	
	11	" Hatimunda ...	308	6	302	
	12	Killah Avil, &c.	3 10 *as.*	.....	3 10 *as.*	
	13	Pergunnah Kymah, &c. ...	264	5	259	
	14	Killah Kunika	1	.....	1	
	15	Pergunnah Teekun, &c. ...	83	2	81	
	16	" Utkum, &c. ...	16	2	14	
	17	" Deralsaase, &c. ...	95 5 *as.*	5	90 6 *as.*	
	18	" Nahakund, &c. ...	58	.....	58	
	19	" Hureeharpore ...	266	5	261	
	20	" Sale, &c.	152	.....	152	
	21	" Deogum, &c. ...	174	19	115	
	22	" Beuahar, &c. ...	93	17	76	
	23	" Balubeeee, &c. ...	179	.....	179	
	24	" Jhunker	43	7	36	
	25	" Teerum, &c. ...	75	1	74	
	26	Killah Koojung	1	.....	1	
Total ...	26	.....	3,389	190	3,369	
Pooree ...	1	Pooree	.....	.....	.....	Ditto ditto.
	2	Pergunnah Chowbiscoodh, &c.	21	5	16	
	3	" Balang	29	1	28	
	4	" Serai	9	3	6	
	5	" Limbaee, &c. ...	77	59	18	
	6	" Kotdesh, &c. ...	34	14	20	
	7	" Banchas, &c. ...	55	10	45	
	8	" Gidlar, &c. ...	157	95	62	
	9	" Karlo, &c. ...	50	1	49	
	10	Dandimal				
	11	Bulbhuderpore				
	12	Nia Khoorda	1	.....	1	No putwarries were appointed at the time of settlement for Khoordah estate, but jagiers were allowed to 2½ Illaqas. Khoordah estate comprises now the half of Pooree district.
	13	Koopullah, &c.				
	14	Banjore				
Total ...	14	.....	427	185	242	
Balasore ...	1	Balasore	.....	.....	.....	Sudder canoongoe attached to Collector's office.
	2	Pergunnah Jellasore, &c. ...	184	1	183	
	3	" Kamardah, &c. ...	91	17	74	
	4	" Mungiseur, &c. ...	54	.....	54	
	5	" Balasore, &c. ...	242	2	240	
	6	" Soroh, &c. ...	25	.....	25	
	7	" Terrigurria, &c...	15	.....	15	
	8	" Bhadruck, &c. ...	119	.....	119	
	9	" Soomath, &c. ...	111	.....	111	
	10	" Jhumuagur ...	213	5	208	
	11	" Agurparrah, &c. ...	131	.....	131	
	12	" Baslohpore, &c. ...	83	.....	83	
	13	" Mutkuh, &c. ...	100	4	96	
Total ...	13	.....	1,318	29	1,289	
Grand Total ...	53	.....	5,504	404	4,900	

T. E. RAVENSHAW,
Commissioner.

Extract from a letter from the Collector of Cuttack to the Commissioner of the Orissa Division No. 231, dated 12th September 1871.

I HAVE the honour to reply to your No. 247½ of 14th June.

2. It seems to me that there are insuperable difficulties in the way of re-organising the putwarrie establishment, so as to carry out in any way the duties assigned to them by Regulation XII of 1817. Even if it is determined that the existing establishment should be re-organised in such a way that the putwarries should be available for the performance of any general and newly-defined duties, independent of those specified in the above-mentioned regulation, their status must be altered to such an extent as to render the existing law altogether inapplicable to their new position. I of course take it for granted that zemindars who are not bound by the settlement to make provision for putwarries cannot now be called upon to maintain them.

3. I cannot ascertain that at the time of settlement any particular instructions were issued as to the principle upon which putwarrie jageers were to be granted, confirmed, or resumed. As a rule, jageers which had existed for a long time previous to the settlement, and were found to be actually in the possession of the putwarries, were confirmed; others, which were found to be actually in the possession of the zemindars themselves (the persons calling themselves putwarries being merely paid servants of the zemindars), were resumed. In very few instances, I imagine, were new grants assigned. Whatever the arrangement was, it is clear that the provisions of Regulation XII of 1817, relating to the appointment of putwarries in every estate (to say nothing of villages) were not attended to, and the result of the settlement was that jageer lands were assigned to putwarries in 84 mehals only. To fourteen of these two or more were appointed (the greatest number in any one estate being five). To no other estate was more than one putwarrie attached.

4 The inequalities in the distribution of the putwarries are so great that any attempt to redistribute them without altering entirely their position must be abortive; while in some few estates fair provision has been made in the great bulk, and often in whole contiguous pergunnahs there is not a single putwarrie. Briefly, the result is this, that putwarries are only attached to 190 estates out of 3,559 now recorded in our books, the revenue paid by the former being Rs. 2,40,014 out of Rs. 8,02,802, the revenue of the whole district. I should explain that the 84 estates, to which putwarries were originally attached have become 199 by partition under the butwarrah law.

5. It seems to me, after full consideration, to be quite impossible to make any redistribution of the 98 existing men, so as to retain any semblance of the old putwarrie system. You might enlarge their jurisdiction, and allot to each a large number of estates, but then they will cease to be putwarries in the proper meaning of the word; they must of necessity become in practice Government servants, and cease to be in any way subordinate to the zemindar, or removable, under certain check, at his will. Before, they were residents in the particular village or estate, for the accounts of which they were responsible; now, they would have allotted to them a large number of estates with which they have no connection at all. Before, also, they had one zemindar to deal with; now, they would have fifty. Briefly put, the case is this—Regulation XII of 1817 contemplates the appointment of a putwarrie in each village, and certainly in each estate. We have 3,559 estates (the bulk of them, it is true, are very small), an area of about 3,400 square miles, and only 98 men at our disposal. To redistribute these men, and retain them in the position of putwarries as defined in the above regulation, is altogether impracticable. I certainly, after thinking the matter over most fully, can suggest no arrangement. A putwarrie establishment paid by Government would be a most undesirable institution, even if Government could afford to entertain it.

10. As regards any further reorganization of the canoongoes, I would strongly deprecate any change at present. It is barely two years since the present system was introduced. I have already explained in paragraph 7 the system on which the pergunnahs were grouped, and no better arrangement can be made. The subject was very carefully considered, and no benefit whatever, but a great deal of harm and confusion, will result from any alteration. Constant changes of system shake all faith in Government measures, and lead to feeling of doubt and uncertainty, which it is highly desirable to avoid. I also fail to see any necessity for further alterations in the canoongoe system, and I am opposed to the sub-divisional system suggested by Mr. Schalch for the present; and until the system is better established, it is far better that the canoongoes should be immediately subordinate to the Collector. They are of course bound to keep the sub-divisional officers informed of the state of the crops, and of all matters of importance, but they are immediately under the Collector; and as there are no revenue records at sub-divisions, their attendance is constantly necessary at the sudder cutcherry: uniformity of system is also secured. I hope no change of this kind will be at present attempted.

11. With regard to the Lieutenant-Governor's enquiry as to how the canoongoes have been employed, I have simply to say that, with the exception of the cutcherry and the peon, the arrangement sanctioned by Government has been enforced. The canoongoes have been made to take up their abode at the place fixed on as their head-quarters making their own arrangements. As the rules proposed have not been sanctioned, and as no cutcherry house was provided, the rules have not been enforced. The canoongoes have been employed mainly in preliminary arrangements for the census, and they have also prepared lists of the zemindars' estates, &c., within their jurisdiction, &c., &c.

13. In conclusion I have to state that a peon and a house for the canoongoes is most necessary.

Extract from a letter from the Collector of Balasore to the Commissioner of the Orissa Division. No. 221, dated 26th June 1871.

THE system initiated by you two years ago has passed out of the domain of theory, and is no longer a doubtful matter. It has been in working order since June 1869, and, as regards Balasore at least, has proved a decided success. I am, as you know, familiar, from my past service, with the tehsildars of the North-Western Provinces, and it has been my aim to make the canoongoes here, as His Honor the Lieutenant-Governor remarks in paragraph 8 of his letter, a sort of little tehsildars, and in this aim I consider I have completely succeeded. If instead of the words "would have made" in that paragraph we read "has made," it would be nearer the mark. This is one of the portions of the correspondence which I allude to when I say that it has a theoretical air. His Honor is evidently not aware that the scheme is, and has long been, in full working order.

4. The next point I have to observe is that His Honor would have the canoongoes to be either bigger officials, or smaller than they now are. To this I would reply, that to make them bigger, to turn them into actual tehsildars, is unnecessary. If we did so, we should have to grant them increased pay, to place them above temptation in the exercise of the wider powers entrusted to them.

5. When I first came down to Bengal, I missed the tehsildars sadly, until I learnt to regard the sub divisional officers as tehsildars. Having these sub-divisional officers, we do not want tehsildars, but want some one between the sub-divisional officer and the people—some one who is not too great a man to be orderd about all over the place by perwannah to report upon anything and everything, and who yet is sufficiently removed from a mere mohurir to be a trustworthy source of information, and one whose opinion can be accepted on topics within his cognizance with a fair degree of reliance. Precisely this sort of officials I have for two years had in the shape of the remodelled and revived canoongoe.

6. With reference to Mr. Schalch's suggestion of making these men into "statistical accountants," I would observe that they are already that, and a great deal more besides. I have succeeded, with your approval, in so mapping out my district into circles or groups of pergunnahs, that at every twelve or fifteen miles there is a canoongoe's head-quarters. From two years' experience this official residence is well known to all zemindars and ryots—quite as well known as the police thannah. He has important duties to perform apart from his "statistical" functions. He attaches and distrains property either under section 112, Act X of 1859, or under decree of court, and this is one of his chief duties. He makes local investigations in revenue cases under orders of officers trying any suit, and in short, performs all those functions which in Bengal are far less efficiently performed by the ameens. Mr. Schalch appears to overlook the fact that those important practical duties occupy the chief part of his time. In addition to this he knows all the zemindars, and all about their estates, and reports to me deaths, and especially cases where a proprietor dies leaving no heir, so that Government may promptly exercise its right of escheat; he manages small attached and Government estates, he conducts partitions, leases Government lands; collects rents, fines in revenue cases, and arrears of payments under the Zemindari Dâk Act; he keeps me informed of the state of crops, weather, floods, and drought, health of the population, cattle disease, or other epidemic, and besides, is always available to be sent to make enquiries on every imaginable subject. The best of my canoongoes are a sort of walking, revenue dictionary of their circle. Many of them are natives of the place in which they live; and as the office is to a great extent hereditary, the son of a deceased canoongoe, if competent, being always preferred to an outsider, they are brought up from their youth in the atmosphere which most tends to make them effective officers.

7. After this enumeration of the duties of these men, it will, I trust, be at once admitted that their circles cannot be enlarged; indeed, for perfect efficiency I should like two or three more, as some of them are very hard-worked. It will also be seen that in this view of their duties, the appointment of a sudder canoongoe at the sub-divisional head-quarters is wholly unnecessary. In a small district like this, the tabulation of returns sent in by the whole twelve canoongoes is quite, within the power of the sudder canoongoes at Balasore, and I find from experience that it works much better to keep the whole of them directly under myself. I can get a report from the south-east corner of the Bhudruck sub-division in a much shorter time direct from the canoongoe than I could if I had first to write to the sub-divisional sudder canoongoe, and then to wait till he had written to the canoongoe of the circle and got an answer from him.

8. Moreover, any re-construction of these canoongoes' circles, which have been so carefully planned, and which are found in practice to work so well, would involve the removal of the canoongoes' head-quarters; and as in the situation of these, which is now so well known to the numerous ryots who have daily occasion to apply to him, much confusion would result, no one would know which canoongoe he ought to go to.

9. I am therefore of opinion that the present number, salary, duties, and distribution of the canoongoes in this district are not susceptible of any changes without giving rise to serious inconvenience and diminished practical usefulness, and I would strongly recommend that they be left as they are.

10. I am very glad to see that a cutcherry has at last been admitted to be a necessity for a canoongoe. One of my great difficulties during the past two years has been the want of a public building in which they could transact their business. I now submit a plan and estimate for a simple building at the rate of Rs. 200 each. Eleven of these will be required, as the canoongoe of Sorop has already been accommodated in the old abkaree distillery, which is a building in every way suitable for him.

Rules for the guidance of Canoongoes.

I.—It shall be the duty of each canoongoe to keep the following books in Ooryah, and to submit them for the inspection of the Collector or Deputy Collector whenever called upon to do so. (See list of books appended A.)

II.—Every canoongoe shall keep a diary, in which he shall enter the following particulars, or such of them as may be necessary daily: a copy of each day's entry shall be despatched to the Collector not later than the morning following. (See details appended B.)

III.—He shall, as soon as possible, prepare, from the Collector's register of rent-free holdings, a register of such holdings as lie within his circle, and shall report all lapses or escheats of the same to the Collector as soon as may be after they occur; and on receiving orders from the Collector to that effect, shall note such lapses or escheats in his register. When such lapses become inconveniently numerous, the registers shall be re-written.

IV.—He shall prepare and correct from time to time a register of all estates and villages with their boundaries, articles of produce, rates of rent, any local customs connected with revenue matters, so as to be able to furnish authentic information on these heads when called for by revenue or other authorities.

V.—He shall assist at all measurements of land, whether undertaken by officers of Government of the revenue or other departments, or by landholders and ryots, under Act VI (B.C.) of 1862, and shall record and grant certified copies of the same if called on to do so.

VI.—He shall be the official indicated in Act X of 1859, as entrusted with the power of distraining crops and conducting the sale thereof under Act X, and of making local enquiries when ordered to do so by a competent court.

VII.—He shall, as soon as practicable, report to the Collector in his diary the death of all landed proprietors dying without heirs or leaving heirs, who are minors, or disqualified by law from the management of their estates.

VIII.—He shall act as ex-officio manager of all wards' estates, the proceeds of which may be insufficient to provide special managers, and shall receive an allowance of Rs. 5 per centum on collections from such estates over and above his regular salary.

IX.—In special cases, when ordered by the Collector, he shall conduct the partition of estates within his circle, but he shall not ordinarily be charged with these duties in respect of estates of large extent or great intricacy of shares. He shall receive the same remuneration as is ordinarily awarded to an ameen in such cases.

X.—He shall assist in collecting rents in khas mehals in cases where surburakars have defaulted, or where from any other cause a village may have come under direct management.

XI.—As far as his other duites will permit, he shall endeavour to obtain copies of all the settlement bhowrahs of villages in his jurisdiction, to be open to inspection free of cost to all comers; but this duty shall not be allowed to interfere with his other duties.

XII.—He shall truly and faithfully enquire into and report on the validity of all securities of Government officers when the lands pledged lie within his circle.

XIII.—He shall publish all revenue proclamations and public notices.

XIV.—He shall publish all notices under sections 18, 19, and 21 of Act VII (B.C.) of 1868, and conduct sales under the same.

XV.—It shall be his duty to report to the Superintendent of Embankments all breaches that may occur within his jurisdiction within a reasonable time.

XVI.—On the bealy or sarud rice crop being ripe, he shall, after personal enquiry, make a full report to the Collector of its outturn, and the same of all other crops during the year.

XVII.—The canoongoe shall keep in his office a padilla or standard rod of the length of that by which the beegah was measured at the time of settlement, which shall bear the Collector's seal at each end. He shall also keep standard weights (sealed) by the Collector. These standards shall be available for inspection by the public on demand.

T. E. RAVENSHAW,

Commissioner.

A.

LIST OF BOOKS TO BE KEPT BY CANOONGOES—RULE I.

a—Books of Reference.

1. Rent laws in Ooryah.
2. Embankment laws in Ooryah.
3. Irrigation laws and rules in Ooryah, with rates of tolls, &c.

4. Board's stamp rules.
5. Copy of tolls on all ferries in their circle.
6. Penal Code and Civil Procedure Acts.
7. Salt law and rules.
8. Civil Procedure Act.
9. Registration Act.
10. Stamp Act.
11. Road Cess Act.

These to be open to inspection of the public without payment of fees.

b.—Office Registers.

1. Register of rent-free lands in the circle.
2. Register of all villages in the circle, with boundaries and other detailed information.
3. Register of miscellaneous measurements under orders of revenue authorities.
4. Register of measurements under sections 9 and 10, Act VI (B.C) of 1862.
5. Attachments under section 112, Act X of 1859.
6. Register of estates and proprietors taken from Collector's register A.
7. Register of Government, wards, or attached estates under canoongoe's management.
8. Detailed register of particulars of each estate entered in No. 7, by which to check the canoongoe's management.
9. Register of pensioners.
10. Monthly report of state of crops.
11. Register of wards' estates.
12. Register of execution of decrees under Act X of 1859.
13. Register of perwannahs received and executed.

B.

DETAILS OF CANOONGOE'S DIARY—RULE II.

1. Abstracts of perwannahs and orders received from revenue authorities.
2. Brief account of the method in which orders have been executed.
3. Statements of all accounts of money received or realized, and on what account (some canoongoes keep a separate book for this).
4. Amounts remitted to collectorate or other places, or paid to decree-holders.
5. Details of any special occupation in which he has been engaged (only when necessary).
6. Information of floods, drought, or any event which may be anticipated to affect the crops, &c., unfavourably.
7. Report of any epidemic diseases affecting man or beast.
8. Any other noticeable matters.
9. Price current of grain of all sorts in his circle.

T. E. RAVENSHAW,

Commissioner.

Application for increased Establishment.

Office to which the proposition refers.	Nature of Change.		Proposition.			Date from which the proposed change is to have effect.	Grounds of Proposition.
	Proposed scale.		Permanent.				
		Rs.	Increase per month.				
			Rs.	A.	P.		
Orissa Division ...	[a] Fifty Canoongoes' peons, at Rs. 5 each per month ...	250	.....			Date of sanction.	[a] To be employed under each mofussil canoongoe,—vide my letter No. 466 of this date.
	Stationery, at Rs. 1 each per month	50	.....				
	Total ...	300	300	0	0		
	Or per year		3,600	0	0		
	Rent of ground on which each canoongoe's office will be erected		50	0	0		
	Total per year ...		3,650	0	0		

COMMISSIONER'S OFFICE, ORISSA DIVISION;

Cuttack, the 7th October 1871.

T. E RAVENSHAW,

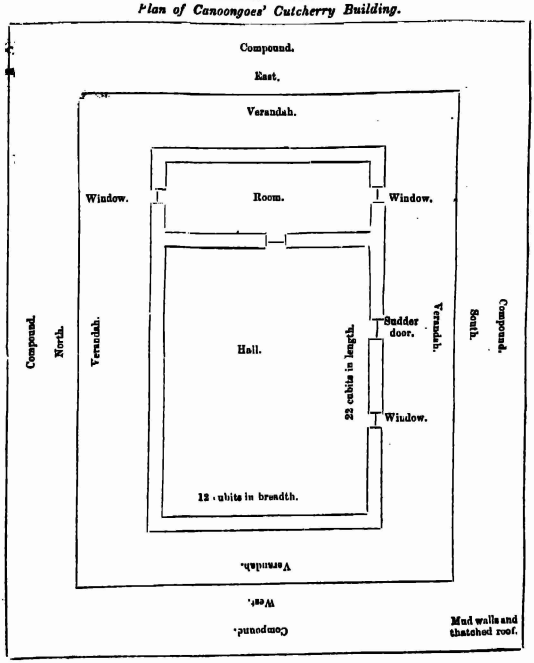
Commissioner.

Estimate for building a Cutcherry-house for Canoongoes.

		Rs.	A.	P.
Coolies for making floor ...	... ...	8	0	0
80 cubits wall	... ...	23	8	0
4 No. beams	... ...	8	0	0
12 „ big posts	... ...	7	8	0
2 „ cross beams	... ...	1	8	0
7 „ door frames	... ...	3	8	0
2 „ twelve-hands timber to support beams	... ...	2	0	0
16 „ verandah posts ...	... ...	6	0	0
8 „ side beams upon verandah posts	... ...	4	0	0
6 „ timber of corner beams	... ...	3	0	0
2 „ door frames for house and room	... ...	5	0	0
3 „ window frames ...	... ...	3	0	0
2 „ one pair doors, including iron fastenings ...	...	8	0	0
3 „ ditto window-doors, including ditto	... ...	7	0	0
6 score bamboos, at Rs. 2 each	... ...	12	0	0
1 kahun split bamboos ...	... ...	8	0	0
Ropo	... ...	3	0	0
Grass	... ...	10	0	0
Carpenter	... ...	12	0	0
Labour for framing and thatching	... ...	9	0	0
for making floor and whitewashing	... ...	36	0	0
Total	...	180	0	0

T. E. RAVENSHAW,
Commissioner.

Plan of Canoongoes' Cutcherry Building.



Application for an Extra Budget Grant in the District of

Budget Head.	Additional grant now required.	Financial year in which the amount has been or is to be actually paid.	Explanation of cause of additional requirement, with number and date of orders sanctioning the outlay.	Remarks by Commissioner.
	Rs. A. P.			
Contingencies ...	11,620 0 0	1871-72.	The amount is required for the construction of cutcherry and purchase of furnitures, &c., for canoongoes, as shown below—	*Vide* letter No. 566 of this date.
			Rs	
			50 canoongoes' cutcherry at Rs. 180 each	9,000
			Chairs for peons, and weights and scales, at Rs. 10 each	500
			Books for 53 canoongoes, at Rs. 20	1,060
			Almirah and box for books and records, at Rs. 20 each	1,060
			Total ...	11,620

COMMISSIONER'S OFFICE, ORISSA DIVISION;
Dated 7th October 1871.

T. E. RAVENSHAW,
Commissioner.

J. E. S.—Reg. No, 10060C—100—17-12-84

No. 4448, dated Calcutta, the 7th October 1872.

From—J. WARE EDGAR, Esq., Offg. Junior Secretary to the Govt. of Bengal, Revenue Department,

To—The Secretary to the Government of India in the Agricultural Department.

IN continuation of my No. 3918, dated 12th October 1871, and with reference to your No. 55, dated 20th January 1869, and subsequent reminders, I am directed to submit copies of the correspondence cited on the margin.

Board's No. 691, dated 12th December 1871, and enclosures.
Our No. 247, dated 19th January 1872.
Board's No. 107, dated 11th March 1872.
Bengal Government letter No. 4447 of this date.

2. It will be seen from that correspondence that the reorganization of canoongoes in Orissa, which was effected with the sanction of His Excellency the Viceroy in Council in 1869, has proved successful. Some supplementary orders have now been issued, and the position and duties of canoongoes may be considered to have been definitely settled.

3. As regards the reorganization of putwarees, it has been found impossible to carry out the suggestions contained in your No. 55, dated 20th January 1869, owing to the non-existence of such officers in a large majority of estates in Orissa. Further information has been called for, and it is hoped that some valuable agency subordinate to the canoongoes may yet be organized from the establishments entertained by zemindars.

C. R. G.—Reg. No. 10060C—100—15-12-84.

No. 67A., dated Fort William, the 4th May 1874.

From—TREVOR GRANT, Esq., Offg. Secretary to the Board of Revenue, L. P.,
To—The Commissioner of Orissa.

I AM desired to acknowledge the receipt of your letter No. 726A., dated 26th February 1874, in connection with the re-organization of putwarees in the districts of your division.

2. In my predecessor's letter to Government, No. 621D., dated 12th December 1871, it was represented that putwarees were not an indigenous institution already existing in Orissa, having become rather the exception than the rule, as the number of estates in which putwarees had been provided for was found to be only 404*, while the actual number of estates on the Orissa revenue roll was 5,304, and it was shown that if more putwarees were to be employed, and the system generally introduced, the attendant expense, which would be considerable, could not, under the laws in force, be thrown on the zemindars during the currency of the present settlement, but would have to be borne by Government. It was therefore proposed (1) that the existing putwarees should be maintained throughout the province; (2) that the provisions of section 33 of Regulation XII of 1817 should be enforced in regard to the estates in which putwarees were not maintained; and (3) that the Board should be empowered to carry out this last suggestion.

Paragraphs 8 to 16.

* Cuttack	...	...	190
Pooree	...	...	185
Balasore	...	...	29a

a This was afterwards reported to be 40.

3. The orders of Government on these proposals are contained in paragraphs 9 to 12 of Mr Edgar's letter No. 4447, dated 7th October 1872. His Honor the late Lieutenant-Governor said, in concurrence with the Member in charge, that he would not enforce any re-distribution of the putwarees, but he would insist on the existing putwarees being utilized to the full; and therefore, as a preliminary measure, asked for a report showing the duties which they perform, the extent of their jurisdictions, their remuneration, and any other facts which might throw light on their present position. His Honor also wished to know whether in Cuttack and Balasore, as in Pooree, there was no allusion to putwarees in other papers than those connected with the settlement of specific estates; and generally desired to obtain any facts which would throw light on "the sudden dismissal of these valuable officers." It was further stated that as it seemed that up to the passing of Act X of 1859 officers corresponding to putwarees existed more or less over the whole province, it should be explained what has become of these officers; and if, as stated by you in the great majority of estates in Orissa, putwarees no longer existed, who had taken their place, and how zemindari accounts were kept.

4. These orders were communicated to you with Mr. McNeile's endorsement No. 168D., dated 16th November 1872, and you were desired to submit the further report called for by Government. But in the course of the correspondence † regarding the levy of illegal cesses by the zemindars in Orissa (printed copies of which have been already forwarded to you), Mr. Beames, Collector of Balasore, proposed certain forms‡ of account and registers to be used by putwarees, and by those liable to perform putwarees' duties where no putwarees existed. And in paragraph 19 of the Board's letter No. 47A, dated 4th February 1873, forwarding the papers to Government, the Member in charge proposed, with the sanction of Government, to issue orders under section 16 of Regulation XII of 1817, to insist on the adoption from 1st September 1873, by putwarees and zemindars, as the case may be, of the form of accounts submitted by Mr. Beames, and to employ canoongoes in the examination and verification of accounts.

* *Vide* your letter No. 621D., dated 23rd October 1872, and its enclosures.

‡ *Vide* pages 164 to 17 of the printed papers alluded to.

5. These proposals were approved by Government in orders No. 822, dated 5th March 1873, and in furnishing § you with a copy of those orders, a copy of the rules for the maintenance and regulation of putwarees, which the Member in charge then contemplated introducing in the re-settlement of estates where no putwarees had before existed, was also forwarded to you for an expression of your opinion as to the modifications which would be necessary to render them suitable to Orissa.

§ With No. 46A., dated 17th March 1873.

6. Mr. Beames, when officiating as Commissioner, took this matter up, communicating his comments upon the rules in his letter No. 375, dated 6th September 1873. But as the rules had been intermediately laid before Government with Mr. McNeile's letter No. 313A., dated 14th June 1873, the Member in charge, in forwarding‖ Mr. Beames' letter to Government, intimated that he purposed himself to dispose of the putwarees' part of the question discussed in that letter so soon as he received the orders of Government on the subject of the general rules for putwarees. Simultaneously, however, with the issue of this letter the orders¶ of Government were received. And Government in its reply** to my letter, cited above, referred to those orders, stating that His Honor the Lieutenant-Governor left it to the discretion of the Member in charge to make in the proposed rules special modification to meet the requirements of the Orissa settlement papers and circumstances.

‖ With my letter No. 577A., dated 23rd September 1873.

¶ No. 2525, dated 20th September 1873.

** No. 2622, dated 9th October 1873.

7. At this juncture Mr. Beames, while officiating as Commissioner, reported* on the several questions asked in Government order No. 4447, dated 7th October 1872, briefly summarized in paragraph 3 above. But the Member in charge, before taking any action thereon, desired to have your opinion on the whole subject, and with this object furnished† you with copies of the correspondence with Government on the general question cited in the preceding paragraph. To this you have now replied in your letter under acknowledgment.

* No. 458, dated 17th October 1872.

† My letter No. 280A, dated 27th November 1872.

8. You say that you have no alterations or suggestions to make to the amendments of the Board's Putwaree Rules. It is presumed you refer to the amendments proposed by Mr. Beames when officiating as Commissioner. Mr. Beames, it seems, would omit a great many of the rules as already embodied in several of the old Regulations. But the Member in charge is of opinion that, though this is the case, it is expedient to show in the rules the provisions of the law on the subject, as the rules are to apply to districts where the law relating to putwarees had been completely ignored. It seems, therefore, only necessary to add after the word "estates" in line 2, paragraph 1 of the rules, "or group of contiguous estates," and to raise from Rs. 100 to Rs. 300 the minimum limit of revenue qualifying estates or groups of contiguous estates for the appointment of putwarees. After the word "officers" in line 3, paragraph 7 of the rules, should be added, "and in Orissa the Sudder Canoongoe"; and with reference to the remarks‡ of His Honor the Lieutenant-Governor, that putwarees should be required to submit only yearly and not half-yearly papers, paragraph 11 of the rules has been omitted. Twenty copies of the rules, revised as above, are herewith forwarded for distribution in your division.

‡ In the third section of paragraph 7 of Government order No. 2525, dated 20th September 1873.

9. Now, with regard to the forms of account and registers. As stated in paragraph 4 above, Government has already sanctioned the adoption of the form proposed by Mr. Beames; and those forms, Mr. Beames said, in paragraph 4 of his letter No. 375, dated 6th September 1873, were already in use in the Balasore district, and were found on enquiry to be suited also to the other districts in the division; but he awaited the Board's orders before issuing them. I am now to request that you will give the necessary instructions for the immediate adoption of the forms, copies of which are appended to the revised rules now sent. The registers should not be kept on palm leaf, as proposed by Mr. Beames in his letter to your address, No. 26, dated 8th April 1873, but on paper.

A. E. de S.—Reg. No. 13719C—100—3-2-85.

No. 1899, dated Calcutta, the 7th September 1874.

From—H. J. REYNOLDS, Esq., Offg. Secretary to the Government of Bengal,
To—The Secretary to the Board of Revenue, Land Revenue Department.

I AM directed to address you on the subject of your letter No. 180A, dated 4th May, and the previous correspondence regarding the reorganisation of the putwarees (village accountants) of Orissa.

2. The Government of India had enquired, in 1869, whether some plan could not be devised of making the Orissa putwarees useful and trustworthy village officials, such as the regulations had intended them to be. Since then much correspondence has passed. The Commissioner of Orissa, and some of his best officers desire to see efficient putwarees, and it seems that in a part, at any rate, of Balasore, the village putwarees have been brought to work systematically under the canoongoes. But there is much difficulty in extending this reorganisation, inasmuch as putwarees are found to exist in only about 404 estates out of a total of 5,304 estates. Further enquiry has shown that at the time of the last settlement effective arrangements were not made for remunerating the putwarees in 92 per cent. of the estates of Orissa. The Board therefore report that, if putwarees are to be appointed to all the 5,000 estates for which no special provision for putwarees was made at the settlement, then the cost of such appointments would be about Rs. 85,000 a year, the whole of which must fall upon Government.

3. The Lieutenant-Governor generally approves the orders which have been issued by the Board in regard to the returns to be made, and the duties to be performed by putwarees. But before finally accepting the view that nothing more can be done in the matter, the Lieutenant-Governor would ask the Member in charge to obtain from the Commissioner of Orissa, from the Collector of Cuttack, and from such district officers, sub-divisional officers, or others as Mr. Ravenshaw may see fit to consult, an opinion whether, in the present state of Orissa, its zemindars and its ryots, it would be very greatly for the rural well-being of the Orissa province, that putwarees should be organised and employed in every village in the manner contemplated by the old regulations.

4. If the reply of the local officers and of the Board should be clearly in the negative, it should be made clear how it will be practically possible to enforce, as suggested by Mr. Ravenshaw (letter of 26th February 1874), the performance of putwarees' duties by zemindars or others responsible for the payment of the Government revenue. The view taken in Mr. Beames' 13th paragraph could then be adopted, and the present condition of affairs could be reported to the Government of India, in final reply to their reference of January 1869.

5. But if there should be any large weight of opinion in favour of revivifying the ancient institution of village putwaree throughout Orissa, then the Lieutenant-Governor would feel it his duty to investigate further whether no steps could be taken by legislation or otherwise to secure such an object If the work is ever to be down, now would seem to be an appropriate time. The people of Orissa have still twenty years of their settlement to run; they have recovered the evil effects of the famine of 1866; a year of good harvests and of high prices has put money into the pockets of the classes connected with the land. A great canal system is being gradually constructed, which will add to the value of the land, and will, at the same time, create new and complicated interests and questions, such as would make a putwaree more than ever useful to his constituents, the members of the village community. Within a very few years there will be, if for canal revenue purposes only, a cadastral survey of a great part of Orissa. At such an operation, a staff of village putwarees would be of the greatest use, while the putwarees would derive lasting benefits from being allowed to take part in the work. It would be eminently desirable that the reorganisation of the putwarees should be complete, and that the putwarees should be in thorough working order before the re-settlement of 1896 begins. Education is to some extent spreading in Orissa, which, despite its supposed intellectual backwardness, was found in 1872 to possess more village schools than any part of Bengal. It may therefore be hoped that competent indigenous agents may be found for the work of putwaree.

6. The main difficulty must be the source from which funds for the payment of putwarees should be found. The Lieutenant-Governor cannot ask the Government of India to throw such a burden on the rest of the Empire, nor can he propose to distribute it over Bengal. The money, if it is required at all, must come from Orissa. The classes of the people who will benefit by the reorganisation of the putwarees, and who would, under the old regulations, have paid the putwarees, are the identical classes which now pay the road cess on land. And the proportion in which these classes severally contribute towards the road cess would be very much the same proportion in which they might fairly be called upon to bear the cost of paying the putwarees (or village accountants). If, therefore, putwarees are required, and be reorganised, the procedure of the road cess assessment under Part II of Bengal Act X of 1871 can be applied, if the legislature were so pleased, to enabling village communities to pay their accountants. When once the valuation and other processes of the Act had been completed for the purposes of the road cess, these results might be available, without repetition of the processes, for the purposes of a putwaree cess. But a strong case would have to be made out for a measure of this kind, and the duty of stating such a case rests on the local revenue authorities of Orissa and the Board of Revenue.

7. I am accordingly to ask for a report from the Board and the officers suggested in paragraph 3 above—

(1)—Whether it would be greatly for the rural well-being of the province of Orissa that putwarees should be organised and employed on every estate after the manner contemplated by the old regulation.

(2)—Whether, if the first question be answered in the affirmative, it is considered desirable to enable village communities to raise money for paying their putwarees, under the procedure prescribed for the levy of the road cess on land, or in any other way.

J. E. S.—Reg. No. 10962C—100—16-12-84.

Dated Balasore, the 19th February 1876.

To—The Hon'ble Sir Richard Temple, K.C.S.I., Lieutenant-Governor of Bengal.

The humble memorial of the undersigned zemindars of the district of Balasore.

Respectfully Sheweth,

That with reference to the circular of the Board of Revenue, No. 52, dated 17th May 1875, requiring patwari papers from zemindars on seven separate forms, your memorialists most humbly beg leave to represent the following circumstances for your Honor's favourable consideration.

1. That owing to the absence of necessary papers in the Collectorate before the first settlement took place in Orissa, the patwari law, Regulation XII of 1817, was introduced in this province, and that after those papers had been collected for the purpose of the settlement, the Government deemed it proper to discontinue the practice, and resumed the patwari jaghirs without granting proportionate deduction in the Government revenue.

2. That although there are still a few confirmed jaghir lands in certain estates not exceeding a dozen in the entire district, they were, as your memorialists believe, intended for the remuneration of the zemindars' gomastas who continued for some time to provide jama-wasil-baki papers under sections 33 and 35 of Regulation IX of 1833. But latterly that practice has also been dispensed with by order of Government as utterly useless, as will be seen from correspondence noted in the margin.

From Commissioner of Orissa to Government of Bengal, No. 736, dated 22nd April 1859. Secretary to Government of Bengal, No. 1921. Commissioner to Secretary to Board, No. 53½, dated 1st June 1859.
Board to Commissioner, No. 74, dated 13th July 1859.
From Commissioner of Orissa to Collector of Balasore, No. 73½, dated 22nd July 1859.

3. That this province being temporarily settled greatly differs in condition from Bengal, where the Permanent Settlement has been made, that the zemindars of this country, after the payment of the annual Government revenue and the deduction of the malikana of the sikmidars (holders of subordinate tenures), wherever such tenures exist, do enjoy but very small income in the shape of their own malikana, and those who are fortunate enough to have no such sub-tenures have to provide out of their malikana for saranjami khurcha (*i. e.* collection expenses where sikmidars do not exist) at the average rate of 12 per cent., the dâk cess, the road cess, the rahadari expenses, periodical subscriptions, the establishment expenses in the mehal or sudder cutcheries, and the expenses of necessary litigation for the realization of arrears of rent over and above authorized charges.

And that independent of the above mentioned expenses, your memorialists have to undergo considerable loss for reasons given below:—

(*a*). The area of land originally surveyed to be one mán (bigha) having been ascertained by private measurement to be less by two or three ghoots (cathas), and the areas of certain quantity of lands having been diminished by diluvian, the ryots are allowed abatement of rent.

(*b*). Some of the lands which were fit for cultivation at the time of the settlement have been rendered barren owing to the disadvantage of water or otherwise to the great detriment of your memorialists' interest.

(*c*). Owing to the gradual decrease in the productive power of certain lands, they are being let at a comparatively smaller rate of rent.

(*d*). When tenants having made default in the payment of rent die heirless or divert, the zemindars as a matter of course suffer loss.

(*e*). Owing to the frequent inundation and timely drought, the ryots are allowed exemption from payment of rent. Therefore the income of the zemindar being thus liable to great diminution, many of them live from hand to mouth, and as the jaghirs for patwaris have been resumed, your memorialists respectfully submit that they are not in a position to pay them separately.

4. That your memorialists humbly submit that it is not practicable for them to comply with the Board's circular and furnish the numerous details called for. If these details be insisted upon the zemindars, their sherista must be doubled, and the expense would necessarily increase accordingly.

5. That the Board's rules provide that a single patwari will manage business in all the fractional parts of a single mahal. But as almost even a recorded estate comprises more or less than 100 villages, each of these villages requires at least one patwari for the due performance of the work imposed upon him; besides it may be easily imagined that it is not practicable for the zemindars to make adjustment of rent with each ryot in the presence of a single patwari at specified times, or to collect the rents subject to this rule for the due discharge of the Government revenue.

6. That the salary proposed to be given to the patwaris under Rule XV being very small in amount, it may be surmised that they will be exposed to temptation, and as the patwaris will possess enormous power for mischief, if mischievously inclined, both zemindars and ryots will equally suffer. Your memorialists fear that the interference of the patwaris

may give rise to dissension between zemindar and ryot, and destroy their mutual good feeling which is essential to a proper management of an estate.

7. That the zemindars have not means to comply with some of the forms:—

(*a*). With reference to forms Nos. 3, 4, and 5, your memorialists crave leave to observe that the zemindars of many of the mahals known by the name of tahasil alahida (subordinate to asli or principal estates), as well as of those purchased at public auction, have no other zemindary papers at all in their possession, save jama-wasil-baki, therefore they could hardly be able to make returns under these forms unless they take copies of settlement papers from the Collectorate, which copies shall doubtless cost to the zemindars their malikana of several years' to come.

(*b*) That greater part of lands in this province being situated on the sea-shore and the banks of rivers, the demarcations of original survey have been destroyed by frequent encroachment of water, and your memorialists have to ascertain by fresh private measurement the quantity of land cultivated by each ryot for the purpose of collecting rents; that the cultivators of lands at the side of the hills have, for the convenience of water, divided the land pertaining to single measurement number of the revenue settlement into two, three, or more parts, and at some places the lands covered by two, three or more numbers have been amalgamated into one lot by them; that the occupiers of several thani lands which have lost their fertility in course of time have exchanged their pahi lands with the former; and that the original occupiers of greater quantity of lands having been swept away by the late Orissa famine, these are now being let to a new set of tenants at a lower rate of rent; it is therefore very difficult to ascertain the said measurement number, the denomination and the rate of rent of each plot of the lands holden by a ryot as directed to be put in the forms alluded to above.

(*c*). That there are some mahals the measurement, &c., papers for last revenue settlement of which are lost or destroyed, even in the record of the Collector of the district.

(*d*). That at the time of settlement which took place after the measurement and survey proceedings were over, a certain quantity of mahal and rent-free lands having been included in the confirmed lakhraj and resumed lakhraj lands respectively and *vice versâ* without having been identified by the survey number, and the lands forming the boundaries of two adjoining estates having been measured twice, the measurement number of those lands cannot be ascertained and somewhere cannot be obtained.

(*e*). That as regards forms Nos. 6 and 7, your memorialists desire to state that they have no connection whatever with rent-free lands; the mutation of names takes place in respect of those lands in the Collectorate and not in the zemindary sherista, and it cannot therefore be proper to require the zemindars to make return of the same.

8. That in conclusion the patwari papers having been after full enquiry condemned by Government in 1859 as utterly useless, your memorialists take leave to question the necessity or propriety of reviving them, particularly when the zemindars know not means and informations to complete the forms, when they will be necessarily saddled with a heavy cost, which most of them are not in a position to meet, and when the probable result will be the fomentation of disputes between zemindar and ryot, and the destruction of their mutual good feeling. The practice has been abolished in permanently settled Bengal by law, and a new law was not passed for Orissa, because the then Bengal Member of the Legislative Council was of opinion that an executive order would be quite sufficient.

Under these circumstances, your memorialist humbly pray that your Honor will be graciously pleased to take the above facts and circumstances into consideration, and to recall the Board's order on the subject, and your memorialists as in duty bound shall ever pray.

ROY SHAMANUND DEY, BAHADUR, AND OTHERS,
Zemindars.

No. 676, dated Calcutta, the 8th March 1876.

Endorsed by the Government of Bengal, Revenue Department.

FORWARDED in original to the Officiating Secretary to the Board of Revenue, Land Revenue Department, for an expression of opinion of the Member in charge as to how far the objections urged may be admissible.

The return of the original papers is requested with the report.

C. E. G.—Reg. No. 10963C—100—16-12-84.

BENGAL SECRETARIAT LIBRARY

Dated Calcutta, the 30th May 1876.

RESOLUTION—By the Government of Bengal, Revenue Department.

READ—

The orders of this Government, in the Land Revenue Department, No. 618, dated the 29th February 1876, approving the rules drawn up by the Board of Revenue for the appointment, maintenance, and duties of putwaries in Orissa.

A memorial, dated the 19th February 1876, from certain zemindars in the Balasore district, complaining of their being required to submit putwary papers.

A memorial, without date, on the same subject, from certain zemindars in the district of Cuttack.

A letter from the Secretary to the Board of Revenue, No. 2755, dated the 8th May 1876, reporting upon the above memorials.

The principal objections made by the memorialists to the orders requiring the submission of putwary papers are discussed and answered in the letter of the Board of Revenue. But the Lieutenant-Governor observes that the arguments put forward in the memorials are not confined to matters of detail, but that the general policy of reviving the putwary system in Orissa is called in question. It is alleged that the law on the subject has been repealed in the permanently-settled districts of Bengal, and that in 1859 the most experienced revenue authorities were of opinion that it should not be enforced in Orissa. Accordingly, the rules which had been prescribed in 1840, for the preparation and submission of these papers, were cancelled by the order of the Board of Revenue on the 13th July 1859, and the law has since then been inoperative in the Province of Orissa.

2. The Lieutenant-Governor believes that the memorialists are in error in alleging that the law requiring the submission of putwary papers has been repealed in the permanently-settled districts of Bengal. It is true that one special means of enforcing the requirements of the law, that provided by sections 14 and 15 of Regulation IX of 1833, has been abolished by Act X of 1859; but the substantive law on the subject, as contained in the 12th and 13th sections of that Regulation, and in the previous enactments on the subject (Regulation XII of 1817 and Regulation I of 1819) has not been repealed in Bengal. And even if this were not so, the case of Bengal is very different from that of Orissa, a temporarily-settled province.

3. It is also true that in 1859 the Board of Revenue and the local officers were of opinion that the filing of putwary papers need no longer be required in Orissa. But the circumstances of the Province have greatly altered since those opinions were recorded; and the Lieutenant-Governor is satisfied that the regular submission of putwaries' papers is a matter of great importance, and likely to be attended by material advantage to the Government, to the zemindars, and to the cultivating classes. Sir Richard Temple therefore desires that it may be distinctly understood that he is not prepared to cancel or withdraw the orders which have been issued on this subject, or the rules and instructions which have been prepared by the Board of Revenue, and published with the approval of the Government of Bengal.

4. At the same time, it would be the Lieutenant-Governor's wish that the returns and registers which are to be filed should be drawn up in such a manner as to give the memorialists as little trouble as is compatible with the attainment of the object for which the submission of the papers is required. He therefore approves of the proposal of the Member in charge that the preparation of Forms VI and VII should be dispensed with, and that time should be allowed for the complete filling up of the other forms. Whether any further modifications in the same direction can be introduced will be a matter for future consideration. But the Lieutenant-Governor is compelled to observe that up to the present time the memorialists do not appear to have made any attempt to comply with the orders issued to them. The information required to be given does not appear to be more minute or elaborate than any landed proprietor who keeps proper accounts ought to be able to supply, and the Lieutenant-Governor cannot assent to the statement that the difficulties of filling up the registers are insuperable till it is shown that a real effort has been made to overcome them.

ORDERED that copies of this Resolution be forwarded to the Board of Revenue for information, and for communication to the memorialists through the Commissioner of Orissa.

No. 1436.

COPY forwarded to the Secretary to the Board of Revenue, in the Land Revenue Department, for information, and for communication to the memorialists through the Commissioner of Orissa.

By order of the Lieutenant-Governor of Bengal,

H. J. REYNOLDS,

Offg. Secy. to the Govt. of Bengal.

CALCUTTA,
The 30th May 1876.

W. LeB.—Reg. No. 10964C—100—16.12.84.

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To—The Hon'ble Sir Richard Temple, K.C.S.I., Lieutenant-Governor of Bengal.

The humble memorial of the undersigned zemindars of the district of Pooree, in Orissa.

Most respectfully sheweth—

That your memorialists beg leave to state that they being served with purwanahs, the Collector of Pooree, in accordance with the circular of the Board of Revenue, No. 94, dated, 11th May 1875, requiring putwari papers from them on seven separate forms, and foreseeing the great hardship, loss, and injury which the revival of the putwari system is sure to entail upon them; your memorialists beg most respectfully to submit to Your Honour their humble and loyal protest in the following paragraphs.

1. That there is hardly anything that can be said in favour of the revival of a system which has been condemned by almost all the most experienced and the best officers, which it had been the good fortune of Orissa once to possess. The evils of this system, constituted as it is at present, are so numerous and grave that if Your Honour be graciously pleased to take into consideration only a few of them, which are mentioned below, your memorialists venture to hope that Your Honour will surely be induced to put a stop to the introduction of the putwari system into Orissa.

(*a*). That the putwaries will be a set of public servants who, though very poorly paid, would be holding in their hands an immense amount of power, and, as a natural consequence of this arrangement, they will always be ready to sell the same to the highest bidders. Both the zemindar and the ryot will try each his best to influence them in his favour, and under the circumstances it is hardly possible that the putwaries will ever be able to resist the temptation of receiving unlawful gratification. It would not be too much to say that they will merely be a source of a perpetual exaction to the landlords and tenants, to preserve whose rights and interests they are to be appointed.

(*b*). That the records prepared by such officers would be anything but reliable is quite evident; such records would be equally worthless either for the purposes of statistics, or for those of judicial evidence: but inasmuch as under the Evidence Act they must have some probative value, the injury which they might cause when used in a court of justice by way of evidence would be fearful.

(*c*). That much injury will be inflicted both on the zemindar and the ryots by making the process of collecting rents a tardy one. The presence of a single putwari at one and the same time at different parts of the same mehal being impossible, the rents which are now being collected in one day at different places by means of different tehsildars could scarcely ever be realised in some cases in twenty times that time. It does happen at times that the ryots are unable to pay their rents according to monthly kists; the collection is therefore to be postponed even to the last week just preceding the day of latbundee; but, as under the putwari rules, the collection of rents would require a much longer time simply for the sake of securing the presence of the putwari for signing the receipts and making entries of payments in his papers. The result will either be that the ryot would be deprived of the advantage now available to him, or that the zemindar of that of collecting all the rents due from his ryots ere the latbundee day.

(*d*). Besides the delay in realising rents consequent upon the due observance of the rules, the requisition of the presence of the putwari at the moment of payment will also furnish the ryot who is unwilling to pay with the means, excusing himself for any length of time from paying his rent, as he has got simply to absent himself from home on the day when it could be convenient for the putwari to call at his house with the zemindar's people demanding payment, which demand the latter would hardly be able to make more than once in six months, the time which he is very likely to require for completing a single round throughout an entire mehal.

(*e*). That whenever the zemindars or the ryots would be so bold as to make a stand against the illegal exaction of the putwari, then it would be his interest to instigate the one party against the other, and as such the putwari, who is to be appointed only for securing certain imaginary benefits, would be a sure source of a constant ill-feeling between the landlords and their tenants to the great detriment of them both, as well as of the country at large.

(*f*). That as the putwari can always manage to have either the zemindar or the ryots on his side at the sacrifice of the other, his evil deeds cannot by any possibility be proved so as to bring conviction to the mind of a Judge, and any complaint which might be brought against him would generally be attributed to the animosity of the party by whom it would be made.

2. That it is true that the zemindars have been allowed the option of preparing the papers themselves or undertaking to appoint putwaries at their own cost; but as the papers to be supplied are so numerous and of such a description that they cannot by any means be prepared by the zemindars, they, with the view to avoid the penalty to be incurred in case of a failure on their part to submit those papers, cannot but fall back upon the latter alternative, though by so doing they would not in the slightest degree be relieved of the heavy expenses they might otherwise have to bear if they were to get the papers prepared without the aid of the putwaries.

3. That the forms which are to be filled up require information which in some cases the zemindars cannot possibly have, and in other cases to obtain them would necessitate the incurring of such heavy costs that it will be their ruin if they be compelled to bear the same. Your memorialists beg to submit in the following paragraphs some of the objections that they have on this score to the supplying of papers demanded of them :—

(*a*)—With reference to the forms Nos. 6 and 7, and also that portion of the form No. 4, which requires the recording of the mutation of names of the holders of the resumed lakhraj lands, your memorialists beg to submit that no where in Orissa the holders of either of the rent-free or of the resumed lakhraj lands report to the zemindars of the transfer of their holdings from one hand to the other; neither the zemindars possess any means by which they can compel the lakhraj holders of either description to have their names or those of the transferees registered in their serishta. Hence it would appear that it is simply impossible for the latter to fill up the forms alluded to above.

6. With regard to the forms Nos. 3, 5, and that portion of the form No. 4, which require the registering of the several sorts of description relating to ryots' holdings, your memorialists beg to state—

First—That the majority of the zemindars do not possess the settlement bhowryah papers, without the aid of which the numbers of the ryots' holdings can never be obtained.

Secondly—That to take copies from the Collectorate of such bhowryahs would be so very expensive that there is not a single zemindar who is capable of paying for the same.

Thirdly—That in cases where the zemindari is pretty large, consisting of a hundred villages, the cost of taking such copies may come up to Rs. 10,000, and your memorialists beg to submit that they have found by actual calculation that on an average they can have copies of ten numbers only for 1 rupee.

Fourthly—That, owing to various changes since the time of the settlement, no trace of the tenures set forth in the settlement papers could be found at present; consequently to ascertain those which are now in existence and their holders would require a re-survey of all the zemindaries. That the cost which such a proceeding is very likely to involve the zemindars in would be very large needs no mention; suffice it to say that no zemindar can out of the scanty malikana allowed to him defray the same.

Fifthly—That in case where the lands are situated, either on the banks of the rivers or on seashore, changes might take place almost every year, both in the quantity and quality of such lands by the inundation as well as by the action of the streams; consequently such lands are to be measured at the end of each year for finding out their quantity and quality.

Sixthly—That if the cost of this annual measurement is to be borne by the zemindars, it would be saddling them with an imposition of a permanent character, which would in many cases be quite disproportionate in respect to the incomes of the payers out of their respective zemindaries.

4. That the Board's rules require that there would be but one putwari assigned for one mehal. In many cases a single mehal consists of villages lying at a distance of 50 or 60 miles from each other; and in those cases it is impossible for the zemindar to effect the adjustment of rents with each ryot at the end of the year at a particular place in the presence of a single putwari, or to collect the rents agreeably to the provisions made for those purposes in the said rules.

5. That according to the existing laws no zemindar can enforce the attendance of his ryots either at his cutcherry or at any other spot, consequently it is entirely optional with the latter to attend his call or not. How, under the circumstances, they can be assembled together for the purposes of adjustment of rents alluded to in the preceding paragraph, it is difficult to find.

6. That from the fact of the existence of putwari jaghirs before the last settlement, it is evident that under the old system the putwaries and their respective establishments had to be paid for by Government. During settlement almost all these jaghirs were resumed and included in the revenue-paying portion of the mehal. Under the present system the quantity of papers to be furnished is nearly six times as much as had to be supplied in the former times, and in consequence of which, as well as for various other reasons mentioned above, the cost of preparing all the papers required would come up to an enormous amount. Your memorialists therefore humbly beg to submit that to compel the zemindars to bear this cost would hardly be just, and would certainly be an infringement of the terms under which settlement was made with them of their respective estates.

7. That the zemindars of Orissa have been allowed a poor malikana, out of which they are already required to pay several sorts of taxes, such as dâk dohati, road cess, &c, as well as the cost of keeping an elaborate establishment for collection of rents. Moreover, the country being exposed to a frequent inundation and drought, the entire amount of rent can never be realized. The zemindars, far from being able to appropriate any portion of the malikana to their own use, are very often compelled to make up the Government revenue with the balance of the malikana, if any, left, and with the money raised by means of loans, under the circumstances, it cannot but be admitted that it is wholly beyond the means of the zemindars to pay the costs of preparing the papers now asked for from them. It would certainly not be an exaggeration to say that the revival of the putwari system would be the cause of ruin of a great many zemindars.

8. That the papers which had to be supplied under the old rules had been of a very simple character, and though what the zemindars are now called upon to furnish have been made far more intricate, yet the means provided for securing their correctness are as much defective now as they had been before. All the old papers being found to be entirely worthless and unreliable, they were ordered to be burnt sometime ago; and accordingly on one occasion nearly 50 cart-loads of such papers were set on fire, as a reference to the Collector's office would show; that no better fate is in reserve for those now demanded does not require much foresight to predict, although to prepare the same would impoverish the majority of the zemindars.

9. That the very few putwari jaghirs which have not been resumed are held by persons who have been incorporated as it were with the establishment allowed to the zemindars for the purpose of collecting rents, and are ever since employed under them for writing the zemindari accounts.

10. That if in support of the revival of the putwari system it is said that as a probationary measure the revival ought to have a fair trial before it is given up altogether, your memorialists in that case would humbly beg to state that such an argument would not hold good in a case like this, wherein the system had an ample trial ere it was abandoned after being condemned by almost all the most experienced and best officers in the Revenue Department, who enjoyed the fullest opportunity of examining the working of, and the benefits derived from, it, as the correspondence noted in the margin, to be found in the Commissioner's Office of Orissa Division, will prove.

No. 1, dated 14th May 1859, from A. Sconce, Esq., to A. R. Young, Esq., Secretary to Government of Bengal.
No. 554, dated 1st June 1859, from G. F. Cockburn, Esq., Commissioner of Cuttack, to Secretary to Board of Revenue.
No. 74, dated 19th July 1859, from Secretary to Board of Revenue, to the Commissioner of Cuttack.

That from all that has been stated above, your memorialists venture to hope that Your Honour will be convinced of the uselessness of the putwari papers, and also of the fact that the forms agreeably to which those papers are to be prepared have been framed without the slightest regard to the actual state of things as well as to the capability or otherwise of the zemindars to fill up the same, and to pay the costs necessary for collecting informations required for that purpose, and your humble memorialists accordingly pray, that Your Honour will be graciously pleased to take the entire matter into your kind consideration, and to re-call the Board's order on the subject.

And you memorialists, as in duty bound, shall ever pray.

POORBE,
The 21st May 1876.

ANUNDA CHANDRA MUKERJEE, and others,
Zemindars.

W. LoB.—Reg. No. 10965—100—17-12-84.

Dated Calcutta, the 2nd June 1876.

From—RAJAH JOTENDROMOHUN TAGORE, Honorary Secretary to the British Indian Association,

To—The Offg. Secretary to the Government of Bengal, Revenue Department.

WITH reference to the rules for the appointment of putwaries in Orissa, published in the *Calcutta Gazette* dated the 8th March last, the Committee observe that these rules are to be enforced in future settlements, and this view is also supported by certain extracts from official papers placed at their disposal.

The Committee observe that the orders of Government on the subject were thus conveyed to the Board of Revenue in your letter to it, No. 227, dated the 26th January 1876:—

"No further orders are required at present in regard to Orissa as it has been ascertained that to re-establish putwaries now in Orissa would involve Government in an expenditure which would probably amount to not less than Rs. 85,000 a year, and it has consequently been determined, in accordance with the recommendations of the Commissioners and the Board, to take no steps for a general appointment of putwaries until the re-settlement of the province, when the necessary provision will be made in the settlement proceedings."

The same opinion is recorded in His Honor the Lieutenant Governor's minute on the subject. The Committee are, however, surprised to learn that, notwithstanding these distinct orders of Government, the local officers in Orissa have been pressing the zemindars to employ putwaries, and in the district of Balasore several zemindars have been subjected to a daily fine for refusing to enter into agreement for the employment of putwaries at the instance of the Collector.

It cannot, the Committee submit, be justly contended that the putwaries were an indigenous institution in Orissa. This is admitted in the letter of Mr. Trevor Grant, Officiating Secretary to the Board of Revenue, to the Commissioner of Orissa, No. 67A, dated the 4th May 1874. Mr. Secretary Grant writes—

"In my predecessor's letter to Government, No. 621B, dated 12th December 1871 (paragraphs 8 to 16), it was represented that putwaries were not an indigenous institution already existing in Orissa, having become rather the exception than the rule, as the number of estates in which putwaries had been provided for was found to be 404, while the actual number of estates on the Orissa revenue roll was 5,304, and it was shown that, if more putwaries were to be employed, and the system generally introduced, the attendant expense which would be considerable could not, under the laws in force, be thrown on the zemindars during the currency of the present settlement, but would have to be borne by Government."

*Cuttack	...	...	..	190
Pooree	...	..	...	185
Balasore	...	...	...	29(a)

(a) This was afterwards reported to be 40.

Such being the case, the Committee are surprised that the Board was pleased to issue orders requiring the zemindars in Orissa to appoint putwaries. It would appear that this question had engaged the attention of Government from time to time, and the uselessness of calling for putwari papers was repeatedly admitted. Sir Henry Ricketts, than whom a better authority on Orissa did not exist, thus wrote on the subject in his report on Cuttack—

"One of the complaints of the zemindars was the expense and annoyance to which they are subjected in consequence of the call for putwari papers. On enquiry, I found that these papers are furnished with much irregularity, and instead of affording any protection to the ryot, may be made use of to effect his ruin.

"It was ruled by Government, on a reference from the Commissioners, that the only penalty to be inflicted on the zemindars for not filing these papers was the penalty prescribed in sections 14 and 15, Regulation IX of 1833. The consequence has been that for the most part papers are not filed, unless the zemindars desire to institute a suit for arrears, when the papers connected with the village in which the lands held by the party against whom proceedings are contemplated may be situated are tendered and accepted; thus parties intending to prosecute take care that the papers shall contain that by which their plaint may be proved."

In 1859 the question of the putwari papers was again raised. Mr. Cockburn, the then Commissioner, made a report, from which the Committee give the following extract:—

"In reply, I beg to state, for the information of His Honor the Lieutenant-Governor, that the system in force has been condemned by almost every one practically acquainted with the subject.

"No stronger opinion of its uselessness can be given than that of Mr. Ricketts in paragraphs 32 and 33 of his report on the Cuttack district, and to this I solicit consideration; for Mr. Ricketts having been engaged in the settlement of the province, his opinion is of peculiar weight on a question of this kind.

"Putwari papers should be filed in the Collector's office agreeably to the provisions of sections 12, 13 and 14, Regulation IX of 1833, and the penalty of neglecting to do so is severe; the defaulter being incompetent to oust a tenant from the land occupied by him for non-performance of the conditions of his tenure or lease on any pretext, or to distrain his property, or to sue him in any court of justice for an arrear of rent or breach of agreement.

"Under the existing rules the papers must be filed by the first of each November on account of the previous native year.

"The Collector of Balasore, Mr. V. H. Schalch, reports that no arrangement has ever been made to sort, preserve, or render valuable as records the papers in question, and is of opinion that the demand for them should be discontinued.

"The Collector of Cutttack, Mr. R. N. Shore's opinion, is already on record. He has since added—' The rule to file them is useless, and not merely an intolerable incumbrance to our office, but an active source of mischief in the attraction which the talpat, in which they are written, would hold out to the white-ants;' as not 5 per cent. of the estates supply these papers, and the rare occasions on which they are filed are exactly those where the filers would have most temptation to falsify them.

"The Collector of Pooree, Mr. T. B. Mactier, thinks that, on the whole, it will be better to discontinue the present system.

"Not only are the papers useless, it appears that there is a difference of practice in regard to the parties from whom they are to be taken; the Collector of Cuttack thinking that no one but a recorded proprietor should be privileged to file, while the Collector of Pooree is of opinion that every man claiming possession should be entitled to file whatever papers he pleases.

"I recommend that the law be altered, and the filing of the papers be no longer compulsory. This being determined on and carried out, the question of a reduction of canoongoes would come under consideration; but this is a matter of after detail which it is premature to enter upon at present."

It will be seen from the above that among the officers consulted by Mr. Cockburn was the Hon'ble V. H. Schalch, the then Collector of Orissa, who gave his opinion that the "demand of the putwari papers should be discontinued." Following the opinion of Mr. Cockburn, the Government of Bengal referred the matter to Mr. Sconce, the then Bengal Member of the Legislative Council, who replied as follows:—

"The Commissioner of Cuttack suggests, as I understand, the repeal of sections 12, 13, and 14 of Regulation IX of 1833, so as that the filing of putwari papers should be no longer compulsory.

"It appears to me that legislation on this subject is not needed. Sections 12 and 17 are, I believe, everywhere obsolete in Bengal proper, and from the 7th paragraph of the Commissioner's letter, it seems that, in the Cuttack district, the law is equally inoperative, as not five per cent of the papers are supplied which ought to be supplied.

"Besides, I would observe that, under sections 12 and 13, Regulation IX of 1833, the preparation and submission of the village accounts are made dependent upon the rule to be laid down by the Board of Revenue, and it should suffice to recall any rules that may now be in existence. The Lieutenant-Governor will observe that, as regards Bengal, sections 14 and 15, Regulation IX of 1833, are repealed by Act X of 1859."

On receipt of the foregoing letter, the Board of Revenue issued the following order to the Commissioner, discontinuing the practice of calling for putwari papers:—

"In reply to your letter of the 1st ultimo, No. 55½, I am directed by the Board of Revenue to state that, as sections 14 and 15, Regulation IX of 1833, have been rescinded in Bengal by section 2, Act X of 1859, and as the putwari papers filed in the Cuttack province are on all hands allowed to be useless, the Board of Revenue, in accordance with suggestions in the 4th paragraph of Mr. Sconce's letter to Government, dated the 14th May last, hereby recall the rules prescribed in 1840 for enforcing the delivery of those papers.

"You will cause this resolution to be generally notified, and inform the Collectors that the filing of the papers in question is no longer required."

The above correspondence clearly demonstrate, firstly, that the putwari papers are useless; secondly, that they cannot be prepared without expense, trouble, and annoyance to the zemindars; thirdly, that their practical uselessness led the Government to abolish the system in Bengal altogether; fourthly, that the law was not extended to Orissa, simply because it was believed that an order of the executive Government would be quite sufficient for the purpose; and fifthly, that an order was passed by the Board recalling their previous order on the subject. The Committee are not aware of any circumstances which invalidate the reasons which had, about 16 years ago, led the Government to order the discontinuance of the filing of the putwari papers.

The zemindars of Orissa as a body live from hand to mouth; their estates are generally small, yielding an inconsiderable amount of revenue, and to saddle them with the charges for a putwari establishment would necessarily press upon their means of existence without subserving any important or useful object.

The Committee observe that no less than seven forms have been prescribed, and they require details, the full entry of which will entail a large and expensive establishment, not to say that even then all the particulars cannot be supplied by the zemindars. Thus statements I and II require full particulars of collections and kists, arrears, remissions, with the names of under-tenants and tenants, which will involve a transcript of the zemindar's records, an amount of work which it will be hard for a single putwari to go through. Where the estates are joint and undivided, but the rent of which is separately collected, the establishment for copying the accounts will multiply according to the number of shares. Statement III requires details of thannee ryots, the full particulars of which are to be found in the collectorate records, while statement IV requires details of chaude-holders and resumed

lakhiraj-holders which are not always in the possession of the zemindars. Statement No. V requires details of pahee ryots, which, owing to frequent variations and mutations, are likely to lead to great confusion, while the requirements of statements VI and VII, for details of lakhirajdars and rent-free holders, *i.e.* jagheerdars and service tenures rent-free, cannot be satisfied from the information in the possession of the zemindar.

Such are the difficulties which the zemindars will experience in complying with the requisitions of the rules under notice. But the Committee submit that, if the collection of statistics be the sole object of Government, it is not fair that the zemindars should be saddled with the cost of it. So far as the Bengal and Behar Provinces are concerned, the zemindars have been relieved of this duty, and they see no good reason why the poor zemindars of Orissa alone should be compelled to do this work. It cannot be contended that the information is required in Orissa by reason of the temporary character of its land settlement. The Committee observe that all necessary information for that purpose may be now obtained under the new Registration Act, and if further particulars are required, the same may be had from the road cess papers. It is observable that, while the draft Bill for registration of title was before the Bengal Council, there were provisions in it authorizing the Board to call for statistical returns; but the Select Committee were of opinion that to call for such information would prove harassing and expensive to the zemindars, and they accordingly omitted those provisions and the Bill was passed without them. The same arguments, the Committee respectfully submit, apply with full force to the rules and returns under notice.

The Committee have already endeavoured to show that the putwari papers will be of no use to the ryots as a measure of protection. The integrity of putwaries on Rs. 2 or 3 a month, the Committee need hardly point out, can scarcely be relied upon, and as the power of the purse will rest with the zemindars, the ryots are more likely to be injured than benefited by those papers. Again, the zemindar being the person who will pay the salary of the putwari, the latter, as a matter of course, will seek to keep the former in good humour. Sometimes rapacious putwaries may make their brief authority an engine of extortion to the zemindar; but it is apparent that the ryots will not benefit, though the zemindar may be fleeced.

Referring to the foregoing circumstances, and also believing that the object of the publication of the rules under notice, so long beforehand, is to invite public opinion upon the same, the Committee venture to solicit that His Honor will be pleased to reconsider the subject, and should His Honor concur in the reasons advanced, to prohibit the local officers from enforcing the rules, as in fact according to your letter to the Board alluded to above, they do not seem to have been intended to be now brought into effect. As for the imposition of fines on zemindars in Balasore, the Committee are not aware of any law under which the Collector is authorized to levy such fines, particularly as filing of putwari papers, as shown above, had been discontinued by a previous order of the Executive Government.

H. P.—Reg. No. 1096 (C—100—16 12-84

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WORKING OF THE CANOONGOES AND PATWARIS IN ORISSA.

No. 622A, dated Fort William, the 18th September 1879.

From—R. H. Wilson, Esq., Offg. Secretary to the Board of Revenue, L.P.,

To—The Secretary to the Government of Bengal, Revenue Department.

I am desired to submit the following report regarding the working of the canoongoes and patwaris in Orissa. This report is chiefly based on remarks recorded by Mr. Mangles before leaving the Board, but the views expressed have Mr. Buckland's full concurrence.

2. In paragraph 86 of the Resolution of Government on the Board's Land Revenue Administration Report for 1877-78, it was observed that—

"the working of canoongoes and patwaris in Orissa is unfavourably spoken of by the Collectors of Cuttack and Balasore," and the Board were requested to call on the Commissioner for a special report, which should be submitted "with such suggestions as may be necessary for modifying the system."

3. As regards canoongoes, I am to explain that the Board's remarks in paragraph 156 of their report for 1877-78 had no reference to this class of officers in Orissa, who have worked well as a body, and have generally been spoken of as being very necessary and giving valuable assistance to the Collectors. In support of this statement, the Board desire me to refer to the remarks on the subject contained in their several land revenue reports noted on the margin, and to the following extracts* from the Commissioner's reports for the last two years. The extracts, though expressing only the views of the Collector of Balasore, may also be accepted as descriptive of the usefulness of the canoongoes generally in Orissa. In 1877-78, the Collector of Balasore wrote—

Paragraph 106 of Board's report for 1874-75.

Paragraph 136 of Board's report for 1875-76.

Paragraph 143 of Board's report for 1876-77.

* Quoted from paragraphs 156 and 157 of Board reports for 1877-78 and 1878-79, respectively.

"In Orissa, where estates are mostly temporarily settled, where service tenures of all descriptions are so numerous, where there are so many petty rent-free tenures held direct from Government on grants, some of which are prepetual and some for life only, where all rent suits and every question between landlord and tenant is decided by the Collector, the revenue administration is necessarily of a much more minute and detailed character than in Bengal. In conducting it the canoongoes are invaluable assistants to the Collector, and in fact the tendency is to impose upon them annually increasing duties in every department. A very serious addition to their work has been made by requiring from them the collection of all the road cess and public works cess due from the rent-free estates in this district, 1,212 in number."

In 1878-79 he said—

"The canoongoes in Orissa are a very useful class of public servants for the purposes of revenue administration. Their utility has been described in the last year's report, and I have little to add to what has been stated there. It will be sufficient to say that any reduction in their number would seriously interfere with the discharge of public business. This much as regards the mofussil canoongoes. The Sudder canoongoe attached to the Collector's office is also a very useful ministrial officer. He is in charge of settlements, partitions, and the voluminous butwara accounts submitted by the zemindars and patwaris. He collects and digest for the Collector's information the statistical accounts submitted by the mofussil canoongoes, and discharges many other miscellaneous duties."

4. It will thus be seen that no special action is necessary in regard to the Orissa canoongoes. The subject referred to by the Board in paragraph 156 of their report for 1877-78 was the failure of the patwari system in Orissa, and with regard to this subject, I am desired to submit copy of a report† on the general question from the Commissioner of the Division, with its enclosures. But before entering upon the question at issue it is necessary to briefly review the action already taken from time to time in connection therewith.

† No. 471, dated 31st March 1879.

5. In 1868‡ the Government of Bengal, in concurrence with the Board and the Commissioner, proposed to abolish the office of patwari as useless to the State, and to assign to the zemindars their lawful share of the jaghirs, which should be resumed in consequence. The Government of India demurred§ to this proposal as unwise, believing it possible to utilize the patwaries, and suggested a method of dealing with the subject which divided itself into two heads for consideration:—

‡ *Vide* enclosures to Government order No. 3390, dated 27th October 1868.

§ Government of India's No. 55, dated 28th January 1869, enclosed in Bengal Government letter to the Board No. 962, dated 9th March following.

(1) The propriety of reconstituting the patwaris by reducing their numbers and employing those retained either as sub-canoongoes, or on a system similar to that then lately adopted in the North-Western Provinces, by which a single patwari was entrusted with a circle of villages.

(2) The possibility of carrying out either of these arrangements without any large extra cost, and without infringing "the existing hereditary rights of patwaris to status and emoluments."

6. The Board were asked to report on the scheme of the Government of India, and did so in Mr. McNeile's letter No. 75B, dated 17th February 1871. It will be seen that the Board were still in favour of the original proposal that patwaris should be abolished and their jaghirs resumed—a measure which it was shown was perfectly practicable in Cuttack and Balasore, and partly also in Pooree according to the terms of the settlement. The proposals of the Government of India did not commend themselves to the Board, and they wrote as follows on the subject in paragraphs 18 to 20 of that report:—

"It has been intimated * * * * that the proposals of the Government of India embrace two distinct and separate arrangements. In the third paragraph of Government order No. 953, of

the 9th March 1869, those proposals are referred to as proposals 'to reduce the number of patwaris, to improve the position and emoluments of the remainder, and to assign to them new duties in lieu of those of patwaris as defined by laws which are obsolete;' and it is added that such an arrangement has been 'actually carried out in the Scharunpore district of the North-Western Provinces.' The terms of the Government letter are not very definite. The establishment maintained in Scharunpore is still an establishment of patwaris, properly so called; but the proposal of the Government of India in the 4th and 7th paragraphs of their letter under notice is that the patwari should be transformed from a patwari into a sub-canoongoe; while in their 6th paragraph again the adoption of the North-Western scheme appears to be contemplated.

"The two schemes, I am to point out, have in reality nothing in common. According to one, the officers employed would be merely canoongoes; mohurirs doing all the writing, and a good deal of the other work entrusted to the canoongoes; under the other they would continue in their present capacity of patwaris with increased jurisdictions.*

"Now, if the former arrangement be intended, the Board are opposed to its principle. If the circles assigned to the canoongoes are too large, the proper remedy seems to be to have more circles and more canoongoes, not to have two men to do the same work. If the latter be the plan in contemplation, the Board feel that the reason† urged in paragraph 6 of their letter No. 6414B, of the 22nd September 1869, against a general revival of the patwari system throughout Bengal, applies with equal force to a similar proposition in respect to Orissa. The expense of maintaining such an institution in the Scharunpore district alone amounts to its 54,000 per annum. It could not be established throughout Orissa in all probability for less than double of that sum, and, as shown above, the funds available, in the absence of fresh Imperial expenditure fall short of Rs. 5,000. The Board presume that it is not the intention of the Government to inaugurate establishment at so great an expense for the sole purpose of obtaining statistics and information."

* NOTE.—The system is described in the letter of the Commissioner of Meerut, at page 6 of the volume of the standing orders of the Government of the North-Western Provinces, Revenue Department. The patwaris' duties in Scharunpore have not been altered. All that has been done is to put a circle of villages under one man; but in doing this, the fact that the patwari actually works for the zemindar, as well as for Government, has been kept in view. (See paragraph 2 of the letter.)

† The reason was in effect that the cost of the institution through which in the North-Western Provinces statistics are obtainable represents sums which could not be raised for the purpose in Bengal.

7. This was the position of the question when Sir George Campbell took it up and issued his first order—No. 1671, dated 5th May 1871. It seemed to him that the Board had wholly misunderstood the Government of India. It was not the case, he said, that two schemes with nothing in common had been proposed; nor was the sole question for consideration whether the improved patwaris could be placed on the precise footing of the Scharunpore men. He considered that the organization of such a system as that referred to was quite practicable, that no resumption of jaghirs could or ought to be allowed except to improve matters; and Government must maintain and do its best to improve the Orissa patwaris as an excellent indigenous institution still existing. The improvement of the patwari service would involve, it was said, great advantages in the way of facilities for obtaining information, recording transfers of rights in the land, and collecting statistics. With remarks to this effect the Board were asked to reconsider whether, by a moderate amount of reduction and rearrangement, a tolerably efficient patwari service might not be obtained.

8. A further correspondence ensued, in which‡ it was shown that out of 5,304 estates on the rent-roll, there were about 404§ only in which provision was made for patwaris at the time of settlement. Patwaris were not therefore "an indigenous institution already existing," as was supposed, having become rather the exception than the rule. It was Mr. Schalch's opinion that if more patwaris were to be appointed, whether in estates or circles of estates, during the currency of the present settlement, the zemindars could not under the laws in force, be asked to provide their remuneration. The cost would devolve on Government and would be considerable. Allowing each man, say, Rs. 4, and placing an average of say three estates under each, the expense, it was shown, would amount annually to Rs. 85,000 to supply the estates still unprovided with patwaris, Mr. Schalch therefore proposed that no patwaris be appointed where not provided for by the settlement; but that under section 33. Regulation XII of 1817, the proprietors of each estate be called upon to furnish the accounts prescribed by section 16, and such statements, &c., as the Board may determine.

‡ *Vide* Board's report No. 621B, dated 21st December 1871.

§ In Cuttack	...	...	190
" Pooree	...	...	185
" Balasore	...	...	29
Total		...	404

§ Subsequently corrected to 49.

9. Mr. Schalch's views were generally approved, and the whole matter culminated in the issue with the approval of Government¶ of the rules and subsidiary instructions for the appointment and maintenance of patwaris in Orissa, and for the performance by zemindars of patwaris' duties where no such officers exist. These rules and instructions were published in the Government Gazette of 1st March 1876.

¶ *Vide* Government order No 4447, dated 7th October 1872, and subsequent correspondence, down to Government order No. 618, dated 29th February 1876.

10. During the first year of the change, 1876-77, it appears the patwari rules worked smoothly. Patwaris were being appointed, or zemindars were executing agreements binding themselves to perform patwaris' duties, and patwari papers were pouring in to district record-rooms. But in 1877-78 matters began to assume another aspect. Complaints were rife that patwaris' papers were not filed punctually, and in many cases not until fines were threatened or enforced.

The Collector of Cuttack wrote—

"Even when filed, these papers are not very valuable. I can only look to see that they are in proper form and the accuracy of the information must remain unchecked. * * * At present they are unreliable; and are of value only as admissions against the zemindar where he has engaged to undertake the patwaris' duties. Where there is an independent patwari, even this advantage is missing."

The Colector of Balasore wrote—

"The patwari system was revivified under Sir George Campbell. After a combined resistance of the most stubborn and protracted character, the zemindars executed agreements binding themselves to render the necessary annual accounts. In no case did a zamindar agree to pay the wages of a new patwari; so that there exist still only the limited number of patwaris reserved at the settlement of the province. These at present number 53. Thus there are no patwaris except in a few estates. In the vast majority the system in force consists purely and simply in exacting from the zemindars annual accounts of their rent collections. Though I was in favour of the introduction of the experiment of demanding these accounts, yet experience has convinced me that it is now time no abandon it as unsuccessful. If the accounts are to be of any use, regularity and punctuality in their submission must be insisted upon; but I fear that regularity and punctuality are unattainable. To get these accounts at all, it is necessary to inflict frequent daily fines under Act XX of 1848, at the cost of much friction and considerable trouble; and when, after much delay, the object has been attained in one year, zemindars who have paid hundreds of rupees in fines are just as difficult to move the next year, so that the infliction and re-infliction in fines promises to be quite endless. The first year for which these accounts were demand was 1282. The accounts for that year were due in March 1876. The accounts for 1283 were due in March 1877. * * * * But the annual accounts due two years ago have not yet been filed by 9 per cent. of the estates, and those due more than a year ago have not been filed by 90 per cent., and this in spite of the most strenuous effort and the infliction of severe penalties. In addition to what has been said above, I have satisfied myself by practical experience that where zemindars and ryots are at variance, the accounts filed by the former are falsified and farmed entirely with the view of supporting their own side of the question—a result which might have been expected."

The Commissioner wrote—

"My own opinion is that the regular submission of these papers may be enforced by the steady infliction of severe penalties. If Collectors and Deputy Collectors, when they are on tour, test the returns in the villages, and those who have submitted untrue statements are punished, something may be done to render them more reliable. I should also be inclined to think that the bulk of the papers submitted are fairly true. When, however, all is said and done. I do not think that any benefit will ever be got from them at all commensurate with the cost and trouble their preparation entails on the zemindar, or their receipt and preservation will entail on the Government."

11. It was the perusal of these remarks which led Government to call for the special report which forms an enclosure of this letter (*vide* paragraph 4 above). It will be seen that the late Collector of Cuttack, Mr. Beadon, has entered at considerable length into the question. He enumerates eleven obstacles to the smooth working of the system, discusses the advantages of the system if it could be perfected, and suggests a series of measures required to render the scheme effective, prominent among which is legislative action in different directions. Mr. Beadon has taken the position of a zealous advocate of the system, though he is forced to confess present failure, and to admit that the good at present gained is of little value, and in no way compensates for the trouble caused to, and penalties inflicted upon, zemindars, or for the waste of time in public offices. He thinks matters may be improved: but winds up with the warning that unless something is done in the way of legislation, the patwari system should certainly be dropped until the next settlement enables Government to put it on a satisfactory basis. The late Collector of Balasore, Mr. Norman, is utterly opposed to the whole scheme. He advises the abolition of patwaris; the repeal, as regards Orissa, of Regulation XII of 1817; the resumption of patwari jaghirs as they fall in; and the abrogation of the rules compelling zemindars to file papers. He thinks that all persons of judgment and local experience are agreed that patwaris are of no use whatever. So lax are they in their duties that in some cases their very existence is forgotten. They can seldom or never get access to the zemindar's accounts. Under ordinary circumstances, where amicable relations subsist between zemindar and ryot, the patwari has become unless, but where a quarrel exists he becomes a positive nuisance. He must side with one or the other, and in this way his office degenerates into a focus of conspiracy and intrigue. The modern patwari is a relic of past times, when the zemindar was simply a rent collector, and his object was to squeeze as much as he could out of the ryots. But now that the zemindar has been transformed into a proprietor of land, it is high time to sweep away that adjunct of an ancient administrative system which the patwari represents. As regards zemindars furnishing patwari accounts, Mr Norman condemns it much in the same terms as he did last year in the remarks extracted in paragraph 10 above. Notwithstanding heavy penalties, no regularity or punctuality in the submission of accounts has been obtained, and no symptoms of improvement appear. To the Commissioner, Mr. Beadon's suggestions seem so impracticable that there could scarcely be a greater proof of the unsuitability of the system to modern requirements. The records of the Commissioner's office do not show that it was ever suited to the wants of any period. Present experience shows it to have been to the landholder a fertile source of annoyance and trouble. It has done no good in any single way. The Commissioner does not share in Mr. Beadon's opinion that improvement may be made. He is confident that no good will result commensurate with the trouble and cost involved. He would abandon the call for papers as troublesome and costly and attended with no adequate result. Mr. Beadon thinks that the papers would reduce, the work at next settlement by one-half. The Commissioner does not think they would be of much use. The road cess papers would answer all purposes, and he would not insist on patwari papers preparatory to the settlement to be made 19 years hence.

12. The latest report on the subject is the Commissioner's land revenue administration report for 1878-79, in which the patwari system has been again condemned in terms very similar to those recorded above. In that report the Commissioner says that *all* the district officers are now at one as to the utter inutility of the patwari system. This includes the Collector of Pooree who, it will be seen when the special report alluded to was written,* appeared more hopeful than the rest of ultimate success.

* The Pooree Collector's letter which forms an enclosure to Commissioner's special reports is dated 28th November 1878.

13. It is quite clear to the Board from all the recent reports summarized in the foregoing paragraphs that the scheme which was originated in 1872 for the reorganisation of the patwari system in Orissa has proved a failure.

14. The prominent feature in this scheme was the proposal to call upon the proprietors of no less than 4,900 estates, out of the 5,304 estates in the province, either to appoint patwaris at their own expense, or to discharge the duties themselves. The object was to carry out without expense to Government the reorganisation, which it was estimated would cost at least Rs. 85,000 per annum, even if three estates were placed under each patwari, and each man was allowed a salary of Rs. 4 per mensem only, and the zemindars have naturally resented the additional cost and trouble which have thus been imposed upon them.

15. The original scheme having failed, the question arises whether any further attempt should be made to reorganize the system. Patwaris have long since ceased to be an indigenous institution in Orissa, as was originally admitted. They have so far died out that they exist at present in about 404 estates only throughout the whole province. Under these circumstances, it is obvious that the institution cannot be resuscitated without either incurring great expense on the part of Government, or adopting far more stringent measures than have ever yet been taken for extorting from the zemindars an unwilling compliance with the rules at present in force. But it appears to the Board that any possible advantage to be gained by the reorganization of the system would not justify either expenditure from the public revenues, or further harrassment of the zemindar.

16. In conclusion, I am desired to draw attention to the views expressed by Sir Henry Ricketts in paragraphs 32 to 39 of his report* on Cuttack in 1854, and to those contained in Mr. Cockburn's report to Government, No. 738, dated 23rd April 1859.† Both those gentlemen had an intimate knowledge of the province, and both alike condemend the system of calling on zemindars to furnish patwaris' papers—a system which even in their time was complained of as attended with expense and annoyance to the zemindars. The Board generally concur with those views, and would now strongly support the Commissioner's recommendation that that part at least of the scheme, which requires the zemindars to appoint and defray the salaries of patwaris or to perform their duties, should be dropped at once. In a minute recorded on 4th February 1876, in connection with the maintenance of patwaris in the Province of Behar, Sir Richard Temple said:—

* Printed as a volume of selections in 1858.

† *Vide* copy annexed.

"In Orissa also, where the maintaining of patwaris, as forming a permanent institution, is most desirable, it has been shown in a separate correspondence that, by reason of the expense to the State, the measure must be postponed till the next settlement—a postponement which, though perhaps inevitable, is greatly to be regretted."

Sir Richard Temple therefore concurred in the views now expressed by the Board, who now desire me to express their hope that the present Lieutenant-Governor will authorize their adoption in practice.

No. 471, dated Cuttack, the 31st March 1879.

From—A. Smith, Esq., Offg. Commissioner of the Orissa Division,

To—The Secretary to the Board of Revenue, Lower Provinces.

With reference to your No. 270A. of the 24th October last, it will be expedient, as the question is one of considerable importance, that I should submit for the Board's consideration the opinions of the three Collectors of the Division in full. I therefore enclose copies of the following:—

Collector of Cuttack's No. 1221 of the 30th November 1878, and a demi-official note containing suggestions to be added to those in the above letter.

Collector of Balasore's No. 1421 of 20th November.

Collector of Pooree's No. 2601 of the 28th November.

2. Mr. Armstrong's report is brief, but hopeful. It does not, however, show that as yet there has been very great success, and it will be within the recollection of the Board that, being himself zemindar of half his district as represented by the Government estate of Khoorda, he has found it necessary to obtain exemption for it from the operation of the rules.

3. Mr. Norman's opinion is wholly adverse. Mr. Beadon's opinion is that of a zealous advocate of the system. It, however, is a confession of present failure, and contains a large series of suggestions for rendering the scheme effective.

4. To me the suggestions seem generally so impracticable that there could scarcely be a greater proof of the unsuitability of the system to modern requirements. The records of this office do not indeed show that it was ever suited, to the wants of any period. The views of Sir Henry Ricketts, perhaps the ablest and most experienced revenue officer who ever served in Orissa, are to be found at paragraphs 32 to 38 of his report on the district of Cuttack, which is no doubt in the Board's Office. Mr. Commissioner Cockburn's No. 738 of the 23rd April 1859, forwarded to the Board with his No. 55½ of the 1st June, is equally condemnatory.

5. No greater success has attended the measure on the present occasion. To the landholders, it has been a fertile source of annoyance and trouble. So far as my experience or knowledge extends, I cannot put my finger on any single thing and say, here at least some good has been done. In Cuttack, I find that 49 fines, aggregating Rs. 10,385, have been

imposed; of this sum happily Rs. 8,829 has been remitted. In Balasore, there has been 55 fines, aggregation Rs. 5,436, of which Rs. 417 have been remitted. In Cuttack, about Rs. 700 to Rs. 800 have been levied from the zemindars in the way of process fees. I am not clear as to the legality of this collection, and a separate report on the subject will be submitted. In spite of these heavy pecuniary impositions, the Collector of Balasore reports that no approach to regularity or punctuality in the submission of the accounts has been obtained, and no symptoms of improvement appear. The zemindars dislike the system, and it has been used as a means for fabricating false evidence. The Collector of Cuttack says he is forced to admit that the good at present gained is of little value, and in no way compensates for the trouble caused to, and penalties inflict d on, the zemindars, or the waste of time in the public offices. He thinks, as I have said, that it may be improved and made useful. I do not share in this opinion. I am confident that no good will result commensurate with the trouble and cost involved. I would abandon the call for the papers as being troublesome and costly, and attended with no adequate result to compensate for the cost and trouble.

6. Mr. Beadon thinks the paper would reduce the work at the next settlement by one-half. I doubt if they would really be of much use. The road cess papers would in any case give very much the information that would be wanted for settlement; and the annual filing of patwari papers need not, I think, be insisted upon as preparatory to the settlement nineteen years hence.

No. 1221, dated Cuttack, the 30th November 1878.

From—The Officiating Collector of Cuttack,

To—The Commissioner of the Orissa Division.

I HAVE the honour to acknowledge your memorandum No. 1697, dated 16th instant, calling for report as to the expediency of discontinuing the obligation of furnishing patwari accounts by the zemindars.

2. I think it will be as well to enumerate the difficulties and objections to the present system; the advantages to be gained by a proper system of collecting these papers; the alterations necessary in the system to secure better results. Apparently the difficulties and objections are as follows:—

(1) Great friction takes place with the landholders, resulting in a large number of cases in their being fined.

(2) The papers are with the greatest difficulty obtained, if at all.

(3) The zemindars have no control over the holders of sikmi tenures, here called mokadams and surbarakars, and hence cannot enforce the production of papers referring to those tenures.

(4) When received, the papers are incomplete and unreliable, being valueless as evidence for certain purposes.

(5) They are so bulky that in a few years the record-room will be overburdened with them.

(6) That immense extra labour devolves upon the Collector and his office in issuing notices and in imposing fines upon the zemindars.

(7) That at the present moment the system is only partially established, patwaris not existing in every estate, or the zemindars up to this having failed to furnish agreements to execute such duties.

(8) That when received in the Collector's office, there is no systematic arrangement of their contents that would enable the Revenue courts to refer to them easily.

(9) That in cases of special dispute between a landholder and his ryots, the papers are almost certain to be fictitious or false in part.

(10) In the case of patwaris who hold jaghirs, the papers are specially valueless, because neither zemindar nor ryot could be bound by them.

(11) The patwari is the creature of the zemindar. There may be other objections and difficulties, but these are quite sufficient to condemn the system, if there be no counterbalancing advantages, and if all of these objections are not capable of removal or considerable amelioration.

3. We now come to the advantages that would be derived from a perfect system of registration of patwari papers.

4. Orissa is temporarily settled in the area known as the Mogulbundi. In Cuttack, besides the temporarily-settled area which contains estates affecting three-fifths of the area of the district, there are eleven peshcush estates which pay a quit-rent, and one lakhiraj estate of magnitude not included in any zemindari. The information required is contained in five registers to be detailed below. There were two further registers requiring detailed information regarding lakhirajdars and jaghirdars under the patwari, but these registers were given up under the orders of Government conveyed in your memorandum No. 384A, date 18th June 1876.

5. The registers which the patwari is now called upon to prepare annually are—

(1) Account current of rent in each village.

(2) Annual balance sheet.

(3, 4, & 5) Registers showing details of each class of ryot for the year.

6. The current account requires the name of each ryot in the village, the date of the receipts given to him, with the amount paid, arrears and current demand being shown separately.

7. The annual balance sheet requires the total demand upon each ryot, but separated into arrears and specific instalments; the total realized, the total remitted, and the balance due to be carried forward to the next year

8. Register 3 requires details of thani ryots. The details to be shown are—

(3) Name of ryot;
(4) The amount and survey number;
(5) Class of land;
(6) Rate of rent;
(7) Amount of rent;
(8) Date of pottah;
(9) Note of mutation;

and when once prepared, is liable to but little change. It is a valuable record for the patwar, and pergunnah canoongoe to have by them; but there is no necessity for forwarding annually to the Collector anything more than intimation of changes in the register.

9. Register 4 requires almost the same details about lands upon which houses existed at the settlement, and lands settled on specially easy terms as having been resumed after having been held wholly free of rent. Changes in tenancy only will be required to be noticed as regards this register also.

10. Register 5 requires the same details with some slight necessary modifications regarding the *pahi* lands, which may be briefly classed as lands not included as thani, chandna, or lakhiraj bazyafti at the settlement, though under cultivation, lands of those descriptions which from accidental circumstances have since become *pahi* lands, and lands brought into cultivation since the settlement.

11. Now it is clear that, *if* accurate returns of the above nature could be obtained, the ryots would be greatly benefited, the courts would be cleared of rent suits or enabled speedily to dispose of any questions affecting right, term of possession, rate of rent, actual existence of arrears or otherwise, and the Government would have the fullest details for the quinquennial valuations under the road cess for statistical purposes, for checking demands, for remission, and for the next settlement of the temporarily-settled estates. It is not too much to say that the perfect registration of these papers secured, the work of the next settlement would be reduced by one-half, if such a detailed record of each village for the five years preceding settlement could be put into the hands of the settlement officer Similarly, when any enquiry into the social condition of the agricultural classes is set on foot, once this method of collecting information is thoroughly enforced and the papers systematically arranged, it must be admitted that Government would have a most excellent source of information at its command, and one specially needed at the present time, when officers, by the exigencies of service or of health, are so constantly moved away before they can acquire full knowledge of their districts.

12. If therefore, it be possible to secure the acquisition of this information in an accurate form without friction with, or hardship to, the zemindars, I should be most loath to recommend such a retrograde movement as is involved in relinquishing the demand for these papers from the zemindars. But I am forced to admit that the good at present gained is of little value, and in no way compensates for the trouble caused to, and penalties inflicted on, the zemindars, or the waste of time in the public offices in the attempt to enforce the production of these imperfect papers.

13. To clear the ground for further discussion, it will be as well here to meet some of the miner objections noted above, and the first that occurs to me is the bulkiness of the records. This fear will, I think, be found to be exaggerated, when it is borne in mind that it would be needless to keep these registers for more than four years, except when the settlement is approaching, and then only for five or six. With the reduction of Registers 3 and 4 shown above to be possible, possibly some ten almirahs may be filled at the close of four years, or, say one rack in the record-room. This is not very excessive. Printed forms of notices to zemindars to file agreements, or execute their duties, or inflicting fines upon them, would enormously decrease the clerical labour of the office.

The necessity of printing the form for inflicting fines is emphatic? A. S.

14. The labour of systematic arrangement at head-quarters could be greatly reduced by insisting on each patwari or zemindar arranging the papers referring to his jurisdiction or estate, and sending them to the canoongoe of the circle. The circle canoongoe would again arrange each register by pergunnahs or estates if necessary, and forward to head-quarters where, after inspection to see that the forms were correctly filled in (for failure of which moreover the canoongoe should be held responsible if he does not detect it *en passant*), the papers could be registered and recorded until called for by the courts

Will the patwaris and canoongoes be equal to this? A. S.

15. The minor difficulties regarding office arrangement being disposed of, it is necessary to turn to the real evils which destroy the present value of these papers, and

to consider how to remove or modify them. Foremost among the points to be considered are—

(1) The want of value these papers possess as evidence.
(2) The irregularity and unpunctuality with which they are obtained.
(3) The harassment entailed on the zemindars by the enforced collection of the details.

16. To make these papers really valuable, it is essential that legislation should be applied to enforce an annual settlement between the zemindars and their tenantry. It is true Registers Nos. 1, 3, 4, and 5 can be prepared without this, but it is a *sine qud non* for the useful preparation of No. 2, which is the most important of all the registers. If the insistance upon the production of the patwari papers resulted in the one fact that an annual settlement has to be made within three months of the close of each year, the good to the country would be incalculable. But until this is enforced by legislation, it will not be carried out, and the patwari returns must be delayed. To make these papers valuable, the status of the canoongoe must be raised, and their remuneration and that of the patwari raised.

What legislation will effect a settlement of accounts between a zemindar and rent-part ryot within three months of the close of the year, even without any recusancy or quarrels? I hardly see how such a settlement is to be effected.
A. S.

No doubt it must be so, and the cost, whether paid in cash or in jaghir, must in the end be borne by the ryots, which loss in the case of jaghir or of money payment by the zemindar so much revenue. Is the end worth the cost?
A. S.

17. The canoongoe should be expected to certify to many of the entries in the papers, and the Sudder canoongoe should, from time to time, bring to notice special estates in which the canoongoe's duties should be particularly exercised. The District Officer, Deputy Collector, and Sudder Canoongoe should make special local enquiries from time to time, and should, after due notice, summon zemindars, ryots, patwari, or canoongoe to attend him on any such occasion at the zemindar's cutcherry, or any convenient place not more than four miles distant from it, or the village as to which enquiry is being held.

18. If a zemindar in preference to appointing a patwari desire to execute the duties himself, it should be laid down definitely what those duties are, and one of them should be rigorously enforced, viz., that which follows:—

19. Fixed dates must be laid down on which the patwari must attend at the zemindar's cutcherry, and these dates must be published on the estate. Any ryot desiring to obtain the counteraignature of the patwari to his receipts, or to secure his evidence as to the tender of rent due, can then proceed to the cutcherry that day. If the zemindar undertakes to carry out the patwari's duties, he should be bound to attend at his own cutcherry on certain days, to be published as above, to prevent any oppression by his amlah, and to be in reality responsible himself for what may occur. Government should prescribe a form of receipt which by law should be on paper and printed. The paper may be of the commonest kind and printed by Government and supplied to zemindars at a *very* cheap rate. Any zemindar willing to make his own arrangements could of course do so, provided he should be obliged to adhere to the Government form. The Government form of receipt should contain these particulars—

Estate.
Share.
Village.
Ryot's name.
Holding off account of which rent is paid.
Area of land and rental.
Revenue, survey number, or other clear identification, such as cadastral survey number.
By whom paid.
Amount paid—

		Rs.	A.	P.
(1) For previous year	Rent ...	...		
	Interest	...		
	Cesses ...	...		
(2) For current year	Rent ...	...		
	Cesses ...	...		
	Total ...			

Date of payment.

Signature of Receiver.

20. The gradual introduction of paper leases instead of palm leaf within two years should be insisted on by law. All ryots should be forced to secure written leases on pain of their leaf leases being inadmissible as evidence after two years, and canoongoes should be empowered to enquire summarily into a ryot's right to a lease to prove which a pre-existing lease on palm leaf should be *primâ facie* evidence. All leases not now required by law to be registered in a more formal manner, or not voluntarily so registered, should be registered before the canoongoe

The result would probably be that in most cases the ryots would do nothing, and their leaf leases would become inadmissible. Even if strong executive effort be made to overcome the *vis inertiae* on the part of the ryot, many would fail to move.
I should hardly think the canoongoes equal to a task of this sort, and fear it would lead to much abuse.
A. S.

for a fee of two annas, which should go to the canoongoe, who should be held responsible that the leases are clear and intelligible. If a zemindar fails to renew a plain leaf lease by substituting a paper lease for it, when required to do so by the canoongoe, the ryot should be allowed on the canoongoe's certificate to institute a suit for such substituted lease upon plain paper, and if decreed against the zemindar, a fine, as well as all costs of the suit for a lease of the value sued for, and compensation to the ryot for the trouble and expense of suing, should be prescribed. Patwaris should be recommended by the zemindar, but the Collector should be empowed to appoint any other person—

If the Collector appoints without the zemindar's nomination, the patwari becomes simply a Government servant, and the zemindar ceases to be morally bound by his acts, whatever may be his legal position.

A. S.

(1) if the zemindar fails to nominate or to come forward and execute an agreement to perform the duties himself;

(2) if the zemindar refuses to nominate another man when a previous nomination is disapproved;

(3) if a fair number of ryots object to the nominee, or can show the Collector good reason why it would not be safe to entrust the patwari duties to the zemindar, the jaghirs of the patwari might be enlarged, or if it be sought to take him entirely out of the undue control of the zemindar, a fixed salary might be laid down, and its payment made recoverable as an arrear of revenue, and collected generally with the revenue.

This during the current settlement would be somewhat like a breach of faith. At the next settlement the cost will be deducted from the revenue, and Government will pay.

A. S.

21. In the event of a zemindar failing to nominate or to give an agreement for the performance of patwari duties, the Collector could call upon the canoongoe for a report as to a suitable nomination of a patwari, instead of fining the zemindar; and after due call for objections the patwari could be appointed. Where mokadami rights exist, and no patwari is appointed, the duty of preparing the registers as regards tenants holding in subordination to that tenure should be exacted from the holder of the tenure; but he should forward his papers through the zemindar, unless he prefers to send them to the canoongoe direct. Where a patwari has been appointed, the mokadam should deal direct with him, unless he prefers to send his papers through the zemindar. In any case, all responsibility of the zemindars as regards papers of villages held in this way should cease, unless it can be proved that they have received the papers from the mokadams, who must be primarily responsible to the patwari or canoongoe. If the canoongoe has reason to suppose that the mokadam forwards his papers to him, and not through the zemindar, from any improper motive, he should make enquiry as to the cause.

22. All patwari papers signed by the zemindar, mokadam, patwari, or canoongoe as correct should be conclusive proof of the facts stated therein as against them in any suit thereafter that may be instituted.

A zemindar who does not manage his estate may possibly demur to sign the patwari papers and even if he does, he may not justifiably say that, if the Collector appoints a patwari to keep accounts between him and his ryots, he does not see why he should sign and be bound when the ryots do not sign and are not bound.

A. S.

23 An Act embodying the above provisions, or something like them, with the existing law and rules, would greatly tend to improve the character and value of the papers, would force the speedy settlement of the year's balances in every estate, and relieve zemindars of the necessity of coming to Cuttack to give agreements or file papers. It would give the canoongoes increased responsibility and an increase of income, depending in a great measure on their activity in enquiring into the condition of the estates in their circles. It would make the patwari less the servant of the zemindar, and while it would relieve the zemindar of the difficulty of obtaining information from the mokadams which they possess, and be responsible to produce, it would rob him of the excuse which he now so frequently puts forward for delay.

24. It may be considered that, during the terms of the current settlement, some difficulty might arise as to increasing the patwari's jaghirs on the scale of salary laid down in paragraph 15 of the rules and paragraph 7 of the instructions. But if those instructions could be issued in 1873, there is nothing to prevent legislation in 1879.

25. Unless something is done in this direction, the patwari system in Cuttack should certainly be dropped until the next settlement enables Government to put it on a satisfactory basis.

26. Lastly, a few words as regards peshcush estates. The information, though very necessary for purposes of general administration, is not necessary for settlement purposes, unless any such estate should come under management by Government officers. I consider it inadvisable, however, to exempt them; for, if the system is desirable for the temporarily-settled, it is more so in the peshcush estates, for it is in such properties that the ryots are most helpless, and the powers of the zemindars most uncontrolled.

Dated Cuttack, the 13th February 1879.

Demi-official from—H. S. Beadon, Esq., Officiating Collector of Cuttack,

To—The Commissioner of the Orissa Division.

In my letter about improving the patwari system, I omitted to note the necessity for legislative authority to the Collector to insist upon a patwari being appointed in joint-estates of over Rs. 300 jumma, and even under Rs. 300, *where there are more than five separated shares.*

One of our great difficulties at present is the very minute sub-division of an estate in the hands of a large number of sharers who will not agree in appointing a patwari, and some of whom wish to engage personally to perform the duties. It causes the greatest confusion, and would enormously increase the bulk of the papers, if every one *kami* sharer files separate papers regarding his estate.

If he collects separately, the patwari papers will not be true to fact unless they show this, and if they be not true to fact they are worse than useless. A. S.

I would prescribe that if within a certain time the Collector's order be not complied with, he should have full power to appoint a patwari and recover his pay (according to the proportion of the jumma) from each shareholder under the certificate system.

No. 143T, dated Camp Bhuddruck, the 20th November 1878.

From—T. NORMAN, Esq., Offg. Collector, Balasore,

To—The Commissioner of the Orissa Division.

WITH reference to your No. 1697, dated the 12th November 1878, I have the honour to state that I advise the abolition of putwaris and the abrogation of the rules by which zemindars are compelled to file patwari accounts.

2. First, as to the putwaris themselves, I think all persons of judgment and local experience are unanimous in the opinion that they are of no use whatever. The theory of the office is that the patwari is to be present at all payments of rent by the ryot to the zemindar, and at each annual nikás or settlement; that he is to attest with his signature all receipts for rents paid; that he is to make entries in his accounts representing transactions of which he has been an eye-witness, and that he is to ensure fair play between the zemindar and ryot. Now, in contrast to the above statement of the patwari's duties, the following is a statement of his actual performances. The patwari, if left to himself, never files any accounts at all, so that in some cases the very existence of such an official becomes forgotten; recently I had a case of two large patwari jaghirs which the zemindars had quietly appropriated for years; the zemindars were ejected and patwaris re-established without any remonstrance or objection. When compulsory measures against a patwari are adopted, his invariable reply is to petition for an order directing the zemindar to allow him access to his office accounts for the purpose of taking copies. On this the patwari is always called upon for an explanation as to his neglect of his duties, and his explanation is always the same, and is to the following effect:—"I know very well what my duties are, but both the zemindars and the ryots prefer to deal with each other directly, and decline to effect their transactions in my presence; there is no law to compel them to do so; what am I to do?" The patwari's explanation is quite unanswerable, and shows how entirely useless his office has become, under ordinary circumstances, and where ordinarily amicable relations subsist between zemindar and ryot; but where there is a standing quarrel, the patwari becomes a positive nuisance. He cannot help taking one side or the other, and his office in this way degenerates into a focus of conspiracy and intrigue.

3. I have never at any time held the opinion that the modern patwari is a beneficial institution. The fact is that he is a relic of a state of things entirely obsolete, when the zemindar was simply a rent collector, whose object was to squeeze as much out of the ryots as he could by fraud or force compel them to pay him. The status of the zemindar having been radically changed by the British Government, which has converted him into a proprietor of land, it is now high time to sweep away that adjunct of ancient administrative systems which the patwari presents. In Orissa, the proceeds of a considerable quantity of good land are alienated in patwari jaghirs, and thus squandered uselessly, so far as the public purse is concerned. I advise that, so far as relates to Orissa, Regulation XII of 1817 be repealed, and patwari jaghirs as they fall in be gradually resumed and assessed.

4 With regard to the system of compelling the zemindars to file patwari accounts, the case is different, and I was originally in favour of the experimental introduction of this measure. The common idea that this measure amounts to the discharge of patwaris' duties by the zemindars is an exceedingly erroneous one, as is shown by a moment's consideration of the fact that the patwari's principal duty was to act as a sort of notary and umpire between two parties—the zemindars on one hand, and the ryots on the other. In recommending the measure, my idea was indirectly to compel the zemindars regularly to keep proper and satisfactory accounts of their collections. I was under the impression that if it were successful, the beneficial results arising from it would justify an interference between the proprietors of land and their tenants, which, under ordinary circumstances, political science would certainly and strongly condemn. You are aware that no pains have been spared to render the experiment successful. Continual exhortation and remonstrance has been followed by the repeated imposition of heavy fines, but in spite of all this pressure it has been found impossible to effect anything like an approach to regularity and punctuality in the submission of these accounts; but as regularity and punctuality are the essence of the system, it is better to have no accounts at all than irregular accounts. The zemindars of Orissa are as a rule very poor, and they cannot go on paying such heavy fines without danger of bankruptcy at last. It is needless to add that they cordially dislike the system. In too many cases also experience has shown that it has been used as a machine for fabricating false evidence. There are no symptoms of any improvements in point of regular submission of these accounts; on the contrary, the orders of your predecessor, under which the zemindars are obliged to furnish paper themselves, instead of using the printed forms previously

supplied to them, are resented as an additional grievance, and the unprocurability of paper in the interior is put forward as an additional excuse. Under these circumstances, I think, it must be admitted that the system of compelling zemindars to furnish patwari accounts has failed on trial, and should be abolished.

No. 2601, dated Pooree, the 28th November 1878.

From—J. S. Armstrong, Esq., Collector of Pooree,
To—The Commissioner of the Orissa Division.

With reference to your No. 1697, dated 12th instant, I have the honour to state that it would not be expedient to discontinue the obligation of furnishing patwari accounts by zemindars. If zemindars be exempted from the obligation, we should have no returns for the greater number of estates. The submission of accounts with punctuality should be enforced. Some of the accounts should be tested by Deputy Collectors when on tour. If the system of patwari accounts is to be continued, the zemindar's obligation should certainly be continued. This appears to be self-evident. As the system has been commenced, we should try to keep it up and make it successful.

2. The importance of maintaining patwaris in villages is very great. Their records are valuable. The majority of the entries are certainly true, and they are a very great safeguard for the rights of the tenantry.

3. I have been introducing the system gradually, and I could have gone on much faster if I had thought it advisable to do so. I feel quite certain of succeeding in the end. In dealing with the natives of this country, many forget the strong force of habit and custom which prevails among them, and imagine that they will continue opposition indefinitely. This is an error, and proves incapacity to understand them. All that is necessary is to persevere, and they will gradually fall into the system, which will take root. It will be as difficult to destroy it, as it is now to introduce it.

4. I have purposely refrained from the exercise of severity, because the system had long fallen into disuse before the orders of the Government of Bengal were issued for its restoration. The Government of Bengal understood the mofussil.

5. The papers furnished by zemindars will be valuable. Though some entries may be fraudulent, it is not likely that the majority will be so. The remedy will be to examine and test them on the spot.

Extract from Mr. Ricketts' *report on Cuttack.*

Para. 32. One of the complaints of the zemindars was the expense and annoyance to which they are subjected in consequence of the call for their patwari papers. On enquiry, I found that these papers are furnished with much irregularity, and instead of affording any protection to the ryot, may be made use of to effect his ruin.

33. It was ruled by the Government, on a reference from the Commissioner, that the only penalty to be inflicted on the zemindars for not filing their papers was the penalty prescribed in sections 14 and 15, Regulation IX of 1833. The consequence has been that for the most part papers are not filed unless the zemindar desires to institute a suit for arrears, when the papers connected with the village in which the lands held by the party against whom proceedings are contemplated may be situated are tendered and accepted. Thus, parties intending to prosecute take care that the papers shall contain that by which their plaint may be proved.

Since the completion of the settlement in Cuttack, papers have been filed connected with 1,328 mehals There have been no papers filed belonging to 1,218 mehals.

34. In Pooree, the papers have been regularly filed for 21 mehals. There have been no papers for 34 mehals; for 210 mehals papers have been filed, but not regularly every year. I have always entertained doubts whether these papers were of any real use, even if filed with regularity; irregularly filed in this manner, I have no doubt that they are much worse than useless Either measures should be taken for compelling the presentation of complete papers at the beginning of each year, or the demand should be abandoned

35. This province has been settled for thirty years, the rights and interests of all recorded, and pottahs given to all who had any right to ask for them. Under the law no zemindar can recover rent from a ryot beyond that due according to his pottah, unless he can show that, under an engagement entered into by the ryot subsequent to the settlement, more is demandable. From those to whom pottahs were not given, being merely paiee-ryots, or tenants-at-will, the zemindar cannot recover rent at higher rates than those assumed at the settlement, unless he can show the existence of peculiar circumstances under which a higher demand is proper. I cannot see what further protection is afforded by the papers, with whatever regularity they may be filed.

36. Some may say when, at the expiration of the existing settlement a re-settlement shall be necessary, these papers will be useful. I reply, they will not be trusted; they are not trusted now. No one pretends to say they are correct; they will be less trusted then. Whatever the contests may be, they will not be accepted as the foundation of a re-settlement. Should they show less cultivation than the papers of the settlement, no settlement officer will be satisfied without testing them by a measurement. Should they show more cultivation, still

no one will believe that they show all. We have now a case in point in Khoorda, of which I have proposed a re-settlement. No one has thought of proposing to renew the settlement, taking the papers as the guide for the assessment to be imposed

37. When the existing settlement shall expire, we shall have the papers which are in excellent order, every paper in its place, and we shall have the survey maps, all the volumes of which look as fresh as they did when first bound up. (I did not observe a spot of damp in one of them). With their assistance all increased cultivation will easily be traced, and whether the rates of the settlement should be maintained, or increased rates imposed, will depend not upon anything that may be found in their patwari papers, but upon the state generally of markets and prices throughout the country.

38. I recommend that the demand for patwari papers should cease; that of the 106 canoongoes in the province, 63 should be discharged, and the remaining 43 retained for the present as sale ameens under Regulation I of 1839 and for employment in the conduct of local investigations, the necessity for which is constantly occurring in Cuttack.* All the papers which have accumulated since the settlement, now encumbering the record-rooms to no purpose whatever, I would burn.

* The commission received on sales under Regulation I of 1839 was Rs. 189, giving to each person about Rs. 4 for the year.

Pooree Rs. 25, till the revision of the Khoorda settlement shall have been completed.

Cuttack Rs. 12 Balasore Rs. 8.

39. With reference to the extent of country east of Cuttack, it appears desirable to station an officer at Kendraparah with the powers of a Deputy Collector and Deputy Magistrate. The services of Baboo Nursing Churn Dass, Akbari Superintendent, will be available in the Akbari Department, being again placed under the Collector; and I propose that the thannas of Asseressur, Pattamoondy, and Teerun should be placed under him.

No. 738, dated Cuttack, the 23rd April 1859.

From—G. F. Cockburn, Esq., Commissioner of the Orissa Division,

To—The Secretary to the Government of Bengal

I have the honour to acknowledge the receipt of your letter No. 753, dated 25th ultimo, forwarding an extract from a memorandum submitted by R. N. Shore, Esq., Magistrate and Collector of Cuttack, in which is suggested a modification of the present practice in regard to the filing of patwari papers, and requesting me to report on the subject.

2. In reply, I beg to state, for the information of His Honour the Lieutenant-Governor, that the system in force has been condemned by almost every one practically acquainted with the subject.

3. No stronger opinion of its uselessness can be given than that of Mr. Ricketts in paragraphs 32 to 39 of his report on the Cuttack district, and to this I solicit consideration, for Mr. Ricketts having been engaged in the settlement of the province, his opinion is of peculiar weight on a question of this kind.

4. Patwari papers should be filed in the Collector's office agreeably to the provisions of sections 12, 13, and 14, Regulation IX of 1833, and the penalty of neglecting to do so is severe, the defaulter being incompetent to oust a tenant from the land occupied by him for non-performance of the conditions of his tenure, or lease, or on any other pretext, or to distrain his property, or to sue him in any court of justice for an arrear of rent or breach of agreement.

5. Under the existing rules, the papers must be filed by the 1st of each November on account of the previous native year.

6. *Balasore.*—The Collector of Balasore, V. H. Schalch, Esq., reports that no arrangement has ever been made to sort, preserve, or render valuable as records "the papers in question," and is of opinion that the demand for them shall be discontinued.

7. *Cuttack.*—The Collector of Cuttack's (R. N. Shore, Esq.) opinion is already on record; he has since added that if "it were to become the rule to file them, they would be worse than useless, not merely an intolerable encumbrance to our offices, but an active source of mischief in the attraction which the talputtar on which they are written will hold out to the white-ants.

"As it is, not 5 per cent. of the estates supply these papers, and the rare occasions on which they are filed are exactly those where the filers would have most temptation to falsify them."

8. *Pooree.*—The Collector of Pooree, T. B. Mactier, Esq., thinks that, on the whole, it will be better to discontinue the present system.

9. Not only are the papers useless, it appears to me, but there is a difference of practice in regard to the parties from whom they are to be taken, the Collector of Cuttack thinking that no one but a recorded proprietor should be privileged to file them, while the Collector of Pooree is of opinion that every man claiming possession should be entitled to file whatever papers he pleased.

10. I recommend that the law be altered, and the filing of the papers be no longer compulsory; this being determined on and carried out, the question of a reduction of canoongoes would come under consideration, but this is a matter of after-detail, which it is premature to enter upon at present.

W. LeR.—Reg. No. 10968C—100—17-12-54.

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No. 611GC, dated Chittagong, the 1st February 1879.

From—J. Beames, Esq., Officiating Commissioner of the Chittagong Division,

To—The Secretary to the Board of Revenue, Lower Provinces.

In reply to your No. 906A, dated 27th November 1878, paragraph 3, I have the honour to report upon the putwari system in this division.

2. I think it right to state that I cannot avoid a certain feeling of bias in writing on this subject. The early years of my service were passed in the Punjab, where the putwari system is admirably worked, and with very great success. I have carried with me through my career a strong admiration for the institution, and a feeling of regret that it has not been made better use of in Bengal. I have been in the habit of attributing the comparative uselessness of putwaries in the Lower Provinces to a want of interest in, and comprehension of, the subject on the part of district officers. I was much consulted on the revival of the putwari system in Orissa recently, and the forms and rules prescribed by the Board for adoption in that province were in the first instance drawn up by me, and were not very materially modified by the Board before being issued.

3. Subsequently in 1877, when I officiated as Commissioner of Orissa, I found that two at least of the Collectors were not favourably disposed towards the system, and could not be brought to see that it had any advantages at all.

4. It is only fair that I should mention these personal matters, lest the Board should think I were writing as an impartial critic in a matter on which I cannot write otherwise than as an advocate for one side.

5. It is only in Bengal Proper I think that any doubt can fairly be cast on the utility of putwaries. The putwari is an essential constituent of the old village community, and in a province where the village communities have either fallen into decay, or have never existed, it is undeniable that the putwari is not so useful as elsewhere.

6. In Chittagong there are no village communities in the up-country sense. There is no mouzah with its solidarity of local interests paying revenue to one zemindar and bound together by the tie of common interests. The mouzah here is merely an unit for purposes of revenue survey. It is a convenient area for record; nothing more. Within its bounds there are a dozen scattered hamlets, and a score or two of detached cottages No two adjacent fields belong to the same owner, or are held on the same tenure. In walking a quarter of a mile you pass over a plot of zemindari land, another rent-free, a third noabad, a fourth unassessed; two fields belong to a zemindar whose estate is scattered in tiny patches all over the district, two more are part of a tenure the bulk of which is twenty miles off, and so on.

7. If putwaries were appointed, they would be unable to make out accounts for the artificial area to which they were attached without travelling for miles in all directions to obtain the necessary information from non-resident owners. And on the other hand a putwari could not be appointed to each estate, because the estates are far too petty to bear the cost

8 No putwaries have therefore been appointed in Chittagong, and I do not see how they could be appointed, or what use they would be if they were.

9. In Noakholly the case is quite different. In addition to the large zemindaries, there are numerous extensive estates, the property of Government, in all of which the appointment of putwaries is very useful and necessary.

10. As matters stand at present, when an estate comes into the Collector's hands, there are no properly balanced accounts of receipts and demands, and the result is that heavy arrears accrue, and much time and labour is wasted in finding out what is really due from the ryots, and in realizing it. This uncertainty also leads to litigation and other evil consequences.

11. The chief argument of the opponents of the putwari system is that the putwari becomes virtually a mere tool in the hands of a powerful zemindar; that his accounts consequently cannot be trusted; and that there is no use in keeping up accounts which you cannot trust.

12. To this I reply that it is merely want of proper supervision which gives rise to this complaint. In the North-West and Punjab the putwaries are supervised by the tehsildars and the tehsil canoongoes, and their accounts periodically examined and tested by enquiry from the ryots. In Bengal, where the local machinery in the interior of the district is so defective or even entirely wanting, it is difficult to maintain this supervision, and this is the cause of the whole system falling into disrepute. Keep your putwaries well under official control, and it will be difficult for the zemindar or farmer to make them mere tools of his own. The recent institution of Sub-Deputy Collectors and canoongoes ought to a great extent to supply this deficiency.

13. I think, however, that it would be a good thing if Regulation XII of 1817 were re-cast and re-enacted, at least in part.

14. The duties of putwaries as laid down in section 16 should be far more clearly defined.

15. It is not necessary that the putwaries' account should be recorded in the Collector's office; but care should be taken to ascertain that they are properly kept up and in the custody of the putwari, so that they could be produced when called for. It is of course impossible that the Collector should test all the accounts as they are sent in, and they may as well not be sent in at all as sent in untested. Section 25 empowers the Collector to depute an officer to examine these accounts, and if this were done more often the result would be satisfactory.

16. Section 24 is too often neglected. The evidence of a putwari sworn to his accounts would often be of very great value in rent suits. I doubt if Moonsifs as a rule are aware of the existence of putwaries. They certainly make no use of them. The re-enactment with modifications of an old Act has often the effect of calling the attention of officers to it, who would otherwise have passed it unnoticed. This would properly be the effect with regard to Regulation XII.

17. I have read the extracts from the opinions of various officers quoted in the Annual Report, but with all due deference to those gentlemen, I would observed that every zemindar as a matter of course of requires some sort of accounts, and has to pay a man to keep them. Kept as they are now by one who is an avowed servant of the zemindar, they are of no value except as showing what the zemindar's view of the case is. Kept by a putwari under constant inspection and control of Government officials, they would be trustworthy evidence, which would in many cases finally decide the question at issue, especially if the Orissa rules were extended to all parts of the country. The consideration that the maintenance of putwaries is irritating to the zemindars is in favour of my view. If it irritates a man to have honest accounts kept by a third party—accounts which he cannot cook to suit his own ends—we feel sure that he is a man who wants to be so checked. No upright zemindar could or would object. Just laws are always irksome to those who wish to sin, but they do not injure those who are honest.

18. What is wanted is that we should strengthen the putwari's hands, and help him from falling under the influence of either zemindar or ryot, and this can, I feel sure, be done by active supervision.

H. P W —Reg No 13717C—100—3 2-85

No. 2769—1125LR, dated Calcutta, the 30th December 1879.

From—H. J. Reynolds, Esq., Secy to the Govt. of Bengal, Revenue Department,
To—The Secretary to the Board of Revenue, Land Revenue Department.

I am directed to acknowledge the receipt of your letters Nos. 622A and 623A, dated 18th September 1879, regarding the working of canoongoes and patwaries in Orissa, and the appointment of patwaries in certain parts of Bengal.

2. In reply, I am to say, with regard to the canoongoes in Orissa, that the Lieutenant-Governor is satisfied that they have worked well as a body, and are useful and necessary for the purposes of revenue administration.

3. Regarding the employment of patwaries in that province, however, it appears that all the district officers, with the exception of Mr. Beames, late Collector of Balasore, are agreed that the system has failed. Mr. Norman, Mr. Beames' successor, recommends the abolition of the patwaries, the resumption of their jaghirs as they fall in, and the abrogation of the rule requiring the zemindars to submit patwaries' papers. The Commissioner and the Board concur in declaring that the whole system is a failure, and recommend that the call for papers from the zemindars be abandoned; but regarding the existing patwaries they submit no recommendation.

4. Having carefully considered the question and the opinions recorded by the local officers and the Board, the Lieutenant-Governor deems it inexpedient to abolish the patwaries who are in existence, and who are provided for by the settlement, or to resume their jaghirs. They are not perhaps very useful at present, but they may be made so at some future time, as the experience of Mr. Beames in Balasore seems to show. As regards the call on the zemindars for papers, it would appear that the attempt to enforce this obligation was from the first unpromising. The duty was undertaken after protracted resistance, and is scarcely performed at all; never with tolerable punctuality or without pressure being brought to bear. The papers when filed are, moreover, thoroughly discredited, and the great majority of the zemindars accept heavy fines rather than supply any. It is clear that the expedient has failed now as it did twenty years ago. The Lieutenant-Governor further observes that section 33, Regulation XII of 1817, under which the zemindars have been required to submit the papers, was intended to provide an occasional and exceptional alternative, and not to be a substitute generally for the law. Having regard to this restricted application of the section, and to the fact that the enforcement of the demand for patwaries' papers is declared to be as vexatious and harassing to the zemindars as it is useless to Government, the Lieutenant-Governor approves of the withdrawal of the orders requiring the landholders to furnish these papers, and of the requisite modification being accordingly made in the rules and instructions published under orders, dated 29th February 1876.

5. Concerning the working of the patwary system in Bengal Proper, the abstract of the opinions of the Commissioners and Collectors given in your letter No. 623A, quoted above, leaves no room for doubt that the allowance now made for the maintenance of patwaries in Bengal affords no appreciable advantage in return. No useful work has been performed by the patwaries, and it seems hopeless to expect that they will ever look upon Government as having any serious claim to good work from them. As a practically new institution they have not acquired any hold on the people or any authority, and they in fact occupy the position of zemindari servants maintained at Government expense. Among the Commissioners, Messrs. Ravenshaw and Beames alone are of opinion that patwaries are or may be made useful public servants, while the majority of the Collectors consulted agree that they are of no practical use. The Collector of Moorshedabad, Mr. Rees, and Mr. Kirkwood, the Joint-Magistrate, think that they might be utilized in collecting local statistics, if intelligent and educated persons could be found to take up the appointments; but it is needless to remark that men of this class could hardly be obtained at the rates of salary offered. The Board concur in the opinion that no useful service can be expected from the patwaries, and recommend that the revival of the system be no longer attempted, and that the allowances which have been granted in the few isolated estates in which patwaries have been appointed be resumed.

6. This view the Lieutenant-Governor considers is fully supported by the information and opinions collected on the subject, and received personally from district officers whom he has consulted, and he accordingly approves of the Board's recommendation, and desires that effect may be given to it at once.

7. I am to add that the report on the working of the system in the Behar Division, promised in the 10th paragraph of your letter, is awaited.

W LeB—Reg No 1209SC—112—3 1 85

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